



White Salmon City Council Meeting

A G E N D A

January 03, 2024 – 6:00 PM

119 NE Church Ave and Zoom Teleconference

Meeting ID: 853 9981 2788

Call In: 1 253 215 8782 US (Tacoma)

Zoom Link: <https://us02web.zoom.us/j/85399812788>

- I. **Call to Order, Land Acknowledgement and Presentation of the Flag**
- II. **Roll Call**
- III. **Changes to the Agenda**
 - Staff request to add:
Ordinance 2024-01-1159 Amending WSMC 17.80 to as Item B. under Ordinance First Read.
 - Staff request to amend:
Consent Agenda A. Approval of Personal Services Contract **Amendment No.1- On Call HR Services- It's All A Little Grey, LLC**
- IV. **Presentations**
 - A. Mayor's Update
 - B. Lower White Salmon Vision Plan
- V. **Public Comment**

Any public in attendance at the meeting (either in person or via Zoom) will be provided an opportunity to make public comment of a general nature in the time allotted. No registration is required. Each person will be allowed three minutes for comment.
- VI. **Consent Agenda**
 - A. Approval of Personal Services Contract **Amendment No.1- On Call HR Services- It's All A Little Grey, LLC**
 - B. Approval of Personal Services Contract - Mather & Sons Pump Inc - Maintenance Services (\$9,675)
 - C. Mayor's 2024 Committee Appointments
 - D. Approval of Meeting Minutes- December 20, 2023
 - E. Approval of Vouchers
- VII. **Ordinance First Read**
 - A. **Ordinance 2024-01-1158 Amending WSMC 19**
 1. Presentation
 2. Discussion
 - B. **Ordinance 2024-01-1159 Amending WSMC 17.80**
 1. Presentation
 2. Discussion
- VIII. **Business Items**
 - A. **Motion to Amend WSMC 2.21.010 B i - Scrivener Error in Ordinance 2023-12-1156**
 1. Explanation
 2. Action
 - B. **2024 Legislative Priorities**
 1. Presentation
 2. Discussion
 3. Action
 - C. **Resolution 2024-01-582 Providing Time and Place for Public Hearing of Easement Vacation**
 1. Presentation
 2. Discussion
 3. Action

D. Approval of Scope of Work -Heritage Tree Ordinance - DCG |Watershed Group

1. Presentation
2. Discussion
3. Action

IX. Reports and Communications

- A. Department Heads
- B. Council Members

X. Executive Session (if needed)

XI. Adjournment

File Attachments for Item:

A. Approval of Personal Services Contract - On Call HR Services - It's All A Little Grey, LLC
(Exhibit A will be provided before council meeting)



CITY COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:

No, unnecessary

Meeting Date:

January 3, 2024

Agenda Item:

Personal Services Contracts – It's All a Little Grey, LLC

Presented By:

Stephanie Porter, Clerk Treasurer

Action Required:

Authorization for the mayor to sign ~~Personal Services Contract with It's All a Little Grey, LLC for HR Services not to exceed \$3,500.~~ Personal Services Contract Amendment to extend the Existing HR Consulting Services through March 31, 2024.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to authorize the mayor to sign ~~Personal Services Contract with It's All a Little Grey, LLC for HR Services not to exceed \$3,500.~~ Personal Services Contract Amendment No 1 to extend the existing HR Consulting Services through March 31, 2024.

Explanation of Issue:

~~The City Council approved in the 2024 budget \$3,500 for the contracting of a HR Consultant to assist with on-call HR issues, Revision of the Personnel Policies and Employee Evaluation System.~~

The City's Current HR Consultant has notified the City they will not be able to continue services through the end of 2024 but has offered a 90 extension of the current contract to allow the city to find a replacement consultant.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Refer this issue back to staff for additional work.
4. Take No Action
5. Other action as desired by council.

Fiscal Analysis:

The adopted budget contains \$3,500 for 2024 HR Service Consultant.

Recommendation of Staff/Committee:

Staff Recommends council Authorize for the mayor to sign ~~Personal Services Contract with It's All a Little Grey, LLC for HR Services not to exceed \$3,500.~~ Personal Services Contract Amendment No 1 to extend the existing HR Consulting Services through March 31, 2024.

Follow Up Action:

Contract signatures and filing.

**Amendment No. 1
Personal Services Contract
It's All A Little Grey, LLC**

This AMENDMENT amends the PERSONAL SERVICES CONTRACT between the CITY OF WHITE SALMON (OWNER) and It's All A Little Grey, LLC (CONTRACTOR), dated February 7, 2023.

The changes to the PERSONAL SERVICES CONTRACT are described as follows:

Key: ~~**Bold and Strike through**~~ means delete. **Bold and underline** means new.

Effective Date and Duration

This contract shall become effective on the date at which every party has signed this contract. This contract shall expire, unless otherwise terminated or extended on ~~December 31, 2023~~ **March 31, 2024**.

All other provisions of the PERSONAL SERVICES CONTRACT shall remain the same.

CONTRACTOR
It's All A Little Grey, LLC

OWNER
City of White Salmon

Signature

Marla Keethler, Mayor

Date

Date

File Attachments for Item:

B. Approval of Personal Services Contract - Mather & Sons Pump Inc - Maintenance Services
(\$9,675)



COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:

No, unnecessary

Meeting Date:

1/3/24

Agenda Item:

Personal Services Maintenance Contract- Mather & Sons

Presented By:

Andrew Dirks, Public Works

Action Required:

Review and approval of the personal services maintenance contract with Mather & Sons Pumps Incorporated from 2024-2028 costing \$1,800 per year for a total not to exceed \$9,675 (taxes included).

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to authorize the Mayor to sign the personal services contract with Mather & Sons Pumps Incorporated for Maintenance Services for fiscal years 2024-2028 in an amount not to exceed \$9,675.

Background of Issue:

Recently Public Woks has seen an increasing number of emergency repairs needed at the Booster Station, the idea behind this maintenance contract is to catch failures before they become an emergency to be more proactive than reactive.

Explanation of Issue:

Mather & Sons will perform regular maintenance testing on the Booster pumps to better plan when they will need to be rebuilt or replaced. They will also perform yearly oil changes and greasing needed on the pumps.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Refer this issue back to staff for additional work.
4. Take No Action
5. Other action as desired by council.

Fiscal Analysis:

There will need to be an increase to the 2024 Annual Budget in the amount of \$9,675 to the line-item Water – Contract Services to accommodate this contract.

If approved by the council this allocation can be done with the March 2024 budget amendment.

DEI & Stake Holder Analysis:

This maintenance contract does not have a direct impact on the City's equity goals. The other Stake Holders involved would be the City of Bingen and they have been informed of the plans to move forward with these types of projects.

Policy & Plan Implications:

No plan or policy implications, other than the ongoing need for the Public Works department to work towards a more proactive and less reactive approach.

Recommendation of Staff/Committee:

Staff recommends approval to authorize the Mayor to sign the personal services contract with Mather & Sons Pumps Incorporated for Maintenance Services for fiscal years 2024-2028 in an amount not to exceed \$9,675.

Follow Up Action:

If approved staff will schedule with Mather & Sons.

B.

**CITY OF WHITE SALMON
PERSONAL SERVICES CONTRACT**

This contract is between the City of White Salmon and Mather & Sons Pump Services Inc hereafter called Contractor. City's Contract Administrator for this contract is Andrew Dirk, Public Work Director.

Effective Date and Duration

This contract shall become effective on the date at which every party has signed this contract. This contract shall expire, unless otherwise terminated or extended on December 31, 2028.

Statement of Work

(a) The statement of work and Special Terms and Conditions (if any) are contained in Exhibit A attached hereto and by this reference made a part hereof.

Consideration

- (a) City agrees to pay Contractor a sum not to exceed \$9,675.00 for accomplishment of the work, including any allowable expenses.
- (b) Payment shall be made in 2024 for Annual Maintenance Checks that will be performed for the years 2024, 2025, 2026, 2027 and 2028. If either party terminates the contract before the work is complete, the contractor agrees to reimburse the city for any services not rendered.

Travel and other expenses

Travel and other expenses are included in the contract price.

Amendments

The terms of this contract shall not be waived, altered, modified, supplemented, or amended in any manner whatsoever except by written instrument signed by both parties.

Terms and conditions listed on page two

CONTRACTOR DATA, CERTIFICATION, AND SIGNATURE

Name (please print): Mather & Sons Pump Service Inc Address: 12307 NE 95th Street
Vancouver, WA 98682

WA UBI: 600-029-393
Contractor License No: WA MATHESP787R7 Phone: 360-256-1310

Citizenship: Non resident alien Yes No

Business Designation (Check one):

<input type="checkbox"/>	Individual	<input type="checkbox"/>	Sole Proprietorship
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Estate/Trust
<input checked="" type="checkbox"/>	Corporation	<input type="checkbox"/>	Public Service Corporation
<input type="checkbox"/>	Governmental/Nonprofit		

Payment information will be reported to the IRS under the name and taxpayer ID number provided above. Information must be provided prior to contract approval. Information not matching IRS records could subject Contractor to 31 percent backup withholding.

I, the undersigned agree to perform work outlined in this contract in accordance to the terms and conditions (listed on the front and backside and made part of this contract by reference) and the statement of work made part of this contract by reference hereby certify under penalty of perjury that I/my business am not/is no in violation of any Washington tax laws; and thereby certify I am an independent contractor.

Approved by the Contractor: _____ _____
Signature Date

Approved by the City: _____ _____
Marla Keethler, Mayor Date

Approved by Council: _____
Date

STANDARD CONTRACT PROVISIONS FOR PERSONAL SERVICES (NON-PERS MEMBERS)

1. Retirement System Status

Contractor is not a contributing member of the Public Employees' Retirement System and is responsible for any federal or state taxes applicable to any comprehensive or payments paid to contractor under this contract. Contractor is not eligible for any benefits from these contract payments of federal Social Security, unemployment insurance, or workers compensation except as a self-employed individual.

2. Effective Date and Duration

The passage of the contract expiration date (as recorded on reverse side) shall not extinguish, prejudice or limit either party's right to enforce this contract with respect to any default or defect in performance that has not been cured.

3. Government Employment Status

If this payment is to be charged against federal funds, Contractor certifies it is not currently employed by the federal government.

4. Subcontractors and Assignment

Contractor shall not enter into any subcontractors for any other work scheduled under this contract without prior written consent of the City. Subcontractors exceeding \$20,000 in cost shall contain all required provisions of the prime contract.

5. Dual Payment

Contractor shall not be compensated for work performed under this contract by any other municipality of the State of Washington.

6. Funds Available and Authorized

City certifies at the time of contract execution that sufficient funds are available and authorized for expenditure to finance costs of this contract within the City's appropriation or limitation.

7. Termination

- (a) This contract may be terminated by mutual consent of both parties, or by the City upon 30 days' notice in writing and delivered by certified mail or in person.
- (b) City may terminate this contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the City, under any of the following conditions:
 - (i) If City funding from federal, state or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quality of services. The contract may be modified to accommodate a reduction in funds.
 - (ii) If federal or state regulations or guidelines are modified, changes or interpreted in such away that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.
 - (iii) If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this contract is for any reason denied, revoked or no renewed. Any such termination of this contract under subparagraphs 7(a) or 7(b) shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.
- (c) The City may terminate the whole or any part of this agreement by written notice of default (including breach of contract) to the Contractor.
 - (i) If the Contractor fails to provide services called for by this contract within the time specified herein or any extension thereof, or
 - (ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from the City, fails to correct such failures within 10 days or such other period as the City may authorize.

The rights and remedies of the City provided in the above clause related to defaults (including breach of contract) by the Contractor shall not be exclusive and are in addition to any other rights and remedies provide by law or under this contract.

8. Access to Records

City, the Secretary of State's Office of the State of Washington, the federal government, and their duly authorized representatives shall have access to the books, documents, papers and records of the Contractor directly pertinent to the specific contract for the purpose of making audit, examination, excerpts and transcripts of the period of three (3) years after final payment. Copies of applicable records shall be made available upon request. Payment for cost of copies is reimbursable by City.

9. State Tort Claims Act

Contractor is not an officer, employee or agent of the State or City as those terms are used in RCW 4.96.020.

10. Compliance with Applicable Law

Contractor shall comply with all federal, state and local laws and ordinances applicable to the work under this contract.

11. Indemnification

- (a) Indemnity-Claims for Other than Professional Liability
Contractor shall defend, save and hold harmless the City their officers, agents and employees form all claims, suites or actions of whatsoever nature, including international acts resulting from or arising out of the Contractor or its subcontractors, agents or employees under this agreement. The Contractor waives, with respect to the City, its immunity under industrial insurance, Title 51 RCW. This waiver has been mutually negotiated by the parties. This indemnification shall survive the expiration or termination of this Agreement.
- (b) Indemnity-Claims for Professional Liability

Contractor shall defend, save and hold harmless the City, their officers, agents and employees, from all claims, suits or actions arising out of the professional negligent acts, errors or omissions of Contractor or its subcontractors and subconsultants, agents or employees in performance of professional services under this agreement.

12. Insurance

- (a) Liability Insurance. Contractor shall maintain occurrence form commercial general liability and automobile liability insurance for the protection of he contractor, the City, its commissioners, employees, and agents. Coverage shall include personal injury, bodily injury, including death, and broad form property damage, including loss of use of property, occurring in the course of or in any way related to Contractor's operations, in an amount not less than \$1,000,000.00 combined single limit per occurrence. Such insurance shall name the City as an additional insured with a coverage endorsement at least as broad as ISO CG 20 10 10 01.
- (b) Workers' Compensation Coverage. Contractor certifies that Contractor has qualified for State of Washington Workers' Compensation coverage for all Contractor's employees who are subject to Washington's Workers' Compensation statute, either as a carrier-insured employer as provided by RCW Chapter 51 or as a self-insured employer.
- (c) Certificates. Within 10 calendar days after full execution of this contract, Contractor shall furnish the City with certificates evidencing the date, amount, and type of insurance required by this contract. All policies shall provide for not less than thirty (30) days' written notice to the City before they may be canceled.
- (d) Primary Coverage. The coverage provided by insurance required under this contract shall be primary, and shall not seek contribution from any insurance or self-insurance carried by the City.

13. Ownership of Work Product

All work products of the Contractor which result from this contract are the exclusive property of the City.

14. Nondiscrimination

Contractor agrees to comply with all applicable requirements of federal civil rights and rehabilitation statutes, rules and regulations. Contractor also shall comply with the Americana with Disabilities Act of 1990 (Pub L No. 101-336) including Title II of that Act, and all regulations and administrative rules established pursuant to that law.

15. Successors in Interest

The provisions of this contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns.

16. Execution and Counterparts

This contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

17. Force Majeure

Neither party shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, acts of God and war which is beyond such party's reasonable control. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance or its obligations under the contract.

18. Severability

The parties agree that if any terms or provisions of this contract is declared by the court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular terms or provisions held to be invalid.

19. Errors

The contractor shall perform such additional work as may be necessary to correct errors in the work required under this contract without undue delays and without additional cost.

20. Waiver

The failure of the City to enforce any provisions of the contract shall not constitute a waiver by the City of that or any other provision.

21. Other Requirements

When federal funds are involved in this contract, Contractor Debarment and Non-Collusion certifications and signatures apply to Exhibit C and D.

22. Governing Law

The provisions of this contract shall be construed in accordance with the provisions of the laws of the State of Washington. Any action or suit involving any question arising under this contract must be brought in the appropriate court of the state of Washington, Skamania County.

23. Attorney Fees

The prevailing party shall be entitled to reasonable attorney fees at trial and on appeal in an action brought with respect to this contact.

24. Merger Clause

THIS CONTRACT AND ATTACHED EXHIBITS CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THE CONTRACT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE IF MADE, SHALL BE EFFECTIVE ONLY IN SPECIFIC INSTANCES AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. CONTRACTOR, BY THE SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS CONTRACT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITONS.



Mather & Sons Pump Service Inc
 12307 NE 95th Street
 Vancouver WA 98682
 Phone: 360-256-1310

QUOTE

DATE	Quote #	CUST #
3/23/2023	0000036224	0011165

TO:

City Of White Salmon
 Po Box 2139
 100 North Main St
 White Salmon WA 98672

JOB ADDRESS:

City Of White Salmon
 Po Box 2139
 100 North Main St
 White Salmon WA 98672

Attention: Andrew Dirks

509-493-1133

SALES PERSON		TERMS	PURCHASE ORDER	
Des		_____		
QUANTITY	DESCRIPTION	PRICE EACH	AMOUNT	
1.00	2024 Annual Maintenance Check	1,800.00	1,800.00	
1.00	2025 Annual Maintenance Check	1,800.00	1,800.00	
1.00	2026 Annual Maintenance Check	1,800.00	1,800.00	
1.00	2027 Annual Maintenance Check	1,800.00	1,800.00	
1.00	2028 Annual Maintenance Check	1,800.00	1,800.00	
** Prices may be subject to changes. **				

SUBTOTAL	\$9,000.00
TAX	\$675.00
TOTAL	\$9,675.00

THANK YOU!!! MatherPumps.com

Quotations are made for immediate acceptance and are subject to change without notice.

Licensed - Bonded - Insured - Since 1955 - WA License # MATHESP787R7 - OR CCB #55968

Water - Pumps - Electric Motors - Tanks - Valves - VFD Panels - Controls - Water Treatment & Conditioning

File Attachments for Item:

C. Mayor's 2024 Committee Appointments



COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:
Meeting Date:
Agenda Item:
Presented By:

Yes, completed
January 3, 2023
Mayor's 2024 Committee Appointments
Marla Keethler, Mayor

Action Required:

Review and motion to accept Mayor's 2024 Committee Appointments as presented.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to accept Mayor's 2024 Committee Appointments as presented.

Explanation of Issue:

2024 Proposed Appointments

Personnel and Finance Committee:

Council Member Jason Hartmann
Council Member David Lindley

Community Development Committee:

Council Member Ben Giant
Council Member Jim Ransier
WS Art Council Charlie Kitchings

City Operations Committee:

Council Member Patty Fink
Council Member Jason Hartmann

Joint Water/Wastewater Committee

Council Member Jason Hartmann

Tree Board:

Council Member David Lindley
Council Member Patty Fink

CityLab Board:

Council Member Jim Ransier
Council Member Ben Giant
White Salmon Resident Kate Bennett

Lodging Tax Committee:

Council Member Ben Giant
Eligible for LT Rep Julie Bergmeier
Eligible for LT Rep Tammara Toppel

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

There are no Financial Implications.

DEI & Stakeholder Analysis:

This change does not have a direct effect on DEI goals.

Policy & Plan Implications:

This appointment fulfills the code requirement to appoint committee members at the beginning of the new year.

File Attachments for Item:

D. Approval of Meeting Minutes- December 20, 2023



CITY OF WHITE SALMON
City Council Meeting – Wednesday, December 20, 2023
In Person and Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

Ben Giant
 Patty Fink
 David Lindley
 Jason Hartmann
 Jim Ransier

Staff Present:

Andrew Dirks, Public Works Director
 Mike Hepner, Police Chief
 Marla Keethler, Mayor
 Stephanie Porter, Clerk Treasurer
 Shawn Mac Pherson, City Attorney

I. Call to Order, Land Acknowledgement and Presentation of the Flag

Mayor Marla Keethler called the meeting to order at 6:00p.m. There were approximately 15 members of the public in attendance in person and via teleconference.

II. Roll Call (6:02pm)

III. Changes to the Agenda (6:03pm)

Staff request to remove Business Item G – Ordinance Adopting the Shoreline Master Plan Update.

Moved by Jason Hartmann. Seconded by Ben Giant.

Motion to approve changes to the agenda as presented.

CARRIED 5-0

IV. Presentations

- A. Oath of Office administered by City Attorney Shawn MacPherson (6:04pm)
 - 1. Marla Keethler - Mayor
 - 2. Patty Fink - City Council Position 1
 - 3. David Lindley - City Council Position 2
- B. DNR White Salmon Fuel Break Update Presentation (6:06pm)
- C. Cascade Renewable Transmission Project introduction Presentation-Carol Loughlin and Chris Hocker (6:28pm)
- D. Mayor's Update (6:52pm)

V. Public Comment

James Mast, White Salmon Resident (7:00pm)
 Kate Bennett, White Salmon Resident (7:02pm)
 Tyler Allen, White Salmon Resident (7:05pm)
 Peter Wright, White Salmon Resident (7:06pm)

VI. Consent Agenda (7:07pm)

- A. Approval of the 2024 Bingen ERU Interlocal Agreement
- B. Approval of Interlocal Agreement - Court Agreement - Klickitat County
- C. Approval of Personal Services Contract - On Call Planning Services - DCG|Watershed Group
- D. Approval of Contract Amendment No 1 -Critical Areas Ordinance - DCG|Watershed Group
- E. Approval of Contract Extension - Cameron McCarthy
- F. Acceptance of Completion of Garfield Project
- G. Approval of Vacation Carryover

- H. Approval of Small Works Contracts- Snow Removal
- I. Approval of Contract - WAGAP Youth Center
- J. Approval of Personal Service Contract - Outreach Services - Zaya LLC
- K. Approval of Personal Services Contract - Legal Services - Knapp, O'Dell & Macpherson PLLC
- L. Approval of Meeting Minutes - November 15, 2023
- M. Approval of Meeting Minutes - December 6, 2023
- N. September 2023 Treasurer Report
- O. October 2023 Treasurer Report
- P. November 2023 Treasurer Report
- Q. Approval of Vouchers - \$323,389.36

Vouchers audited and certified as required by RCW 42.24.080 and expense reimbursement claims as required by RCW 42.24.090 as of this 20th day of December 2023.

Moved by Ben Giant. Seconded by Jim Ransier.

Motion to approve Consent Agenda and vouchers in the amount of \$323,389.36.

Council Questions.

CARRIED 5-0.

VII. Business Items (7:19pm)

- A. Ordinance 2023-12-1156 Amending WSMC 2.20 Boards, Committees and Commissions and WSMC 2.21 Hearing Examiner**
Presentation by Stephanie Porter, Clerk Treasurer.

Mayor Marla Keethler opened the public hearing at 7:29pm.

No Public Comments

Mayor Marla Keethler closed the public hearing at 7:29pm.

Council Discussion.

Moved by Ben Giant. Seconded by Jason Hartmann.

Motion to approve Ordinance 2023-12-1156 Amending WSMC 2.20 Boards, Committees and Commissions and WSMC 2.21 Hearing Examiner with changes by removing housing from Community Development committee, changing "real estate" to "public property" in the Community Development Committee Description, and adding language to allow CityLab Board to meet as needed.

Council discussion.

CARRIED 5-0

- B. Ordinance 2023-11-1157 Amending the 2023 Annual Budget No.4 (8:05pm)**
Presentation by Stephanie Porter, Clerk Treasurer.

Mayor Marla Keethler opened the public hearing at 8:08pm.

No Public Comments

Mayor Marla Keethler closed the public hearing at 8:09pm.

D.

Council Discussion.

Moved by David Lindley. Seconded by Jason Hartmann.

Motion to approve Ordinance 2023-11-1157 Amending the 2023 Annual Budget No.4.

CARRIED 5-0

Patty Fink – aye, Ben Giant-aye, Jason Hartmann-aye, David Lindley -aye, Jim Ransier-aye

C. Ordinance 2023-12-1155 Amending WSMC 17 Zoning (8:11pm)

Presentation by Michael Mehaffy, Planning Consultant.

Council Discussion.

Moved by Jim Ransier. Seconded by Patty Fink.

Motion to approve Ordinance 2023-12-1155 Amending WSMC 17 Zoning with change of removing Prohibited Use 17.23.025 section G, 17.24.025 section G, 17.28.032 section G, 17.32.032 section G relating to possession of non-household animals and changing 17.28.010 provided that the end or side units are set back *ten* feet from the adjacent property lines *to* provided that the end or side units are set back *five* feet from the adjacent property lines.

Patty Fink -aye, Ben Giant -aye , Jason Hartmann -nay , David Lindley -aye , Jim Ransier -aye

CARRIED 4-1

D. 2024 Legislative Priorities

Presentation by Mayor Marla Keethler.

Mayor Keethler tabled the 2024 Legislative Priorities to the January 3, 2024 Council Meeting.

E. Ordinance 2023-11-1152 Adopting the Critical Areas Updates (9:10pm)

Presentation by Stephanie Porter, Clerk Treasurer.

Council Discussion.

Moved by Patty Fink. Seconded by Ben Giant.

Motion to approve Ordinance 2023-11-1152 Adopting the Critical Areas Updates

CARRIED 5-0

F. Ordinance 2023-11-1153 Creating WSMC 18.40 Heritage Tree (9:12pm)

Presentation by Stephanie Porter, Clerk Treasurer.

Council Discussion.

Moved by Ben Giant. Seconded by Jason Hartmann.

Motion to approve Ordinance 2023-12-1153 Creating WSMC 18.40 Heritage Tree.

CARRIED 5-0

~~**G. Ordinance Adopting the Shoreline Master Plan Update Pending Department of Ecology Approval**~~

- ~~1. Presentation~~
- ~~2. Discussion~~
- ~~3. Action~~

VIII. Reports and Communications

A. Department Heads (9:13pm)

B. Council Members

Patty Fink, Council Member (9:14pm)

Ben Giant, Council Member (9:15pm)

Jason Hartmann, Council Member (9:15pm)

David Lindley, Council Member (9:15pm)

Jim Ransier, Council Member (9:16pm)

IX. Executive Session (if needed)

X. Adjournment

The meeting was adjourned at 9:18 p.m.

Marla Keethler, Mayor

Stephanie Porter, Clerk Treasurer

File Attachments for Item:

A. Ordinance 2024-01-1158 Amending WSMC 19 (Documents will be provided before meeting)

1. Presentation

2. Discussion



COUNCIL REPORT

Ordinance First Reading

Needs Legal Review:	Yes, Completed
Meeting Date:	January 3, 2024
Agenda Item:	Ordinance 2024-01-1158 Amending WSMC Title 19
Presented By:	Stephanie Porter, Clerk Treasurer Shawn MacPherson, City Attorney

Action Required:

Review and discuss the proposed changes to WSMC 19 to sync the changes adopted on December 20, 2023 to Chapter 17 Zoning and 2.21 Hearing Examiner.

Explanation of Issue:

The proposed code changes that will be presented to the Council at their meeting on January 3, 2024 are the Land Use Type tables, charts, and language throughout Chapter 19 related to the Hearing Examiner vs Planning Commission and what land use decision require review.

City Attorney and staff met to review the necessary changes to ensure all changes are captured in the changes that will be presented in Ordinance 2024-01-1158.

The City Council will have a Public Hearing regarding the proposed changes on January 17, 2024 where action can be taken if desired.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Refer this issue back to staff for additional work.
4. Take No Action
5. Other action as desired by council.

Fiscal Analysis:

No fiscal impact.

**CITY OF WHITE SALMON
ORDINANCE NO. 2024-01-1158**

**AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODE TITLE 19
ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS CHAPTER 19.10 LAND
DEVELOPMENT ADMINISTRATIVE PROCEDURES AND 19.20 COMPREHENSIVE
PLAN AND DEVELOPMENT REGULATION AMENDMENTS FOR THE CITY OF
WHITE SALMON, WASHINGTON, INCLUDING SEVERABILITY DATE AND
TRANSMISSION TO THE STATE OF WASHINGTON.**

WHEREAS, The City of White Salmon adopted updates to WSMC Chapter 17 Zoning and WSMC Section 2.21 Hearing Examiner;

WHEREAS, The City of White Salmon has identified sections of code that need to be updated to be consistent with the changes adopted on December 20, 2023.

NOW, THEREFORE, the City Council of the City of White Salmon do ordain as follows:

Section 1. Amendment to Title 19 ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS CHAPTER 19.10 LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES and 19.20 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS; The City hereby repeals WSMC Title 19, Chapter 19.10 and Chapter 19.20 in their entirety, and adopts the following to be codified as WSMC Title 19, Chapter 19.10 and Chapter 19.20.

Key: **~~Bold and Strike through~~** means repealed.

Bold and underline means new.

Chapter 19.10 LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES

ARTICLE I TYPES OF PROJECT PERMIT APPLICATIONS

19.10.010 Purpose and definitions.

- A. Purpose. White Salmon adopts its comprehensive plan and development regulations pursuant to RCW 35A.63, Planning and Zoning in Code Cities. In enacting this chapter, and pursuant to RCW 36.70B.150, the city council intends to establish a mechanism for implementing most of the provisions of Chapter 36.70B RCW (the Regulatory Reform Act) regarding compliance, conformity, and consistency of proposed projects with the city's adopted comprehensive plan and development regulations.
- B. Definitions. The following definitions shall apply throughout this chapter:
1. "Administrator" means the city planning administrator as designated by the city council.
 2. "Aggrieved party" means a party of record who can demonstrate the following: (a) the land use decision will prejudice the person; (b) the asserted interests are among those the city is required by city code to consider in making a land use decision; and (c) a decision on appeal in favor of the person would substantially eliminate or redress the prejudice alleged to be caused by the land use decision.

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3. "Closed record hearing" means an administrative closed record hearing before the city council based upon the record following an open record hearing on a project permit application. The hearing is on the record with no new evidence or information allowed to be submitted. In an appeal, at the city council's discretion, the council may allow argument based upon the record established at the open record hearing.
 4. "Days" means calendar days.
 5. "Effective date of decisions" means all preliminary and final decisions shall be effective on the date stated in Section 19.10.280(B).
 6. "Effective date of notices" means all notices provided to applicants and any members of the public shall be effective on the date deposited in the mail and when first published or posted on properties.
 7. "Open record hearing" means a hearing, conducted by a single hearing body, that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.
 8. "Parties of record" means the land use permit applicant, persons who have testified at an open record hearing, and any persons who have submitted written comments concerning the application that form part of the public record that is considered at the open record hearing (excluding persons who only signed petitions or mechanically produced form letters).
 9. "Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to land divisions, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required by the Critical Areas Ordinance (Chapter 18.10 of this code), site-specific rezones authorized by the White Salmon comprehensive plan or a formally adopted subarea plan, but excluding the adoption or amendment of the White Salmon comprehensive plan, a subarea plan, or development regulations except as otherwise specifically included in this subsection.
 10. "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a city council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

19.10.020 Procedures for processing development project permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I-A, Type I-B, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in Section 19.10.060. Exemptions from the requirements of project permit application processing are contained in Section 19.10.080.

19.10.030 Determination of proper type of procedure.

- A. Determination by Planning Administrator. The planning administrator or his or her designee (hereinafter the "Administrator") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the administrator shall resolve it in favor of the higher procedure type number.
- B. Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. For purposes of this section, the "highest number" is Type V and the "lowest number" is Type I (or Type I-A).
- C. Decision Maker(s). Applications processed in accordance with subsection B of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The city council is the highest, followed by the planning **commission or hearing examiner, as designated**, and then the administrator. Joint public hearings with other agencies shall be processed according to Section 19.10.050.
- D. SEPA Review. Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review set forth in this chapter. The SEPA review process, including all public comment procedures, is set forth in Chapter 18.20 of this code. Nothing contained in this chapter shall be construed to restrict the need for full environmental review in accordance with Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review).

19.10.040 Project permit application framework.

Table 1—Permits/Decisions

Type I-A	Type I-B	Type II	Type III	Type IV	Type V
Building permits	Site and building plan review (1)	Site and building plan review (2)	Site and building plan review (3)	Final plat	Development regulations
Short plat (simple) Permitted uses not requiring notice of application	Boundary line adjustment	Short plat Zoning variances <u>(7)</u>	Preliminary PUD	Final PUD	Zoning text and map amendments
Grading permits	Conditional use (simple) Reasonable Use Variances (WSMC 18.10.125(C)) (7)	Conditional use <u>(7)</u>	Site specific rezone		Comprehensive plan text and map amendments

Manufactured home placement permit	Short plat		Preliminary plat for full subdivision		Shoreline Master Program amendments
			Shoreline permits: substantial development, conditional use, or variances		Annexations

Table 2—Action Type

Procedure Project Permit Applications (Type I — IV)						Legislative
	Type I-A	Type I-B	Type II	Type III	Type IV	Type V
Notice of application:	No	Yes	Yes	Yes	Yes	Yes
Recommendation made by: commission	N/A	N/A	Administrator	Planning commission	Administrator	Planning commission .
Final decision made by:	Administrator	Administrator	Planning commission (2) Planning commission (2); Hearing examiner (7)	City council	City council	City council
Open record public hearing	No	No	Yes	Yes (3)	No	Yes (4)
Administrative appeal	Yes (5)	Yes (6), closed record before planning commission hearing examiner	Yes (6), closed record before city council No (8)	N/A	N/A	N/A
Judicial appeal	Yes No	No No	No Yes	Yes	Yes	Yes

- (1) The administrator may make the final decision on some site and building plan review applications considering the degree of discretion to be employed as specified in Chapter 17.81.
- (2) The ~~planning commission~~ **planning commission** shall make the final determination for all site plan review within the parameters of Type II review as specified in Chapter 17.81.
- (3) The city council shall make the final determination of all site plan review within the parameters of Type III review as specified in Chapter 17.81. Open record hearings will be held before the planning commission to make recommendations to city council.

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- (4) Open record hearings will be held both before planning commission to make recommendations to city council, and before city council for final decision.
 - (5) Appeal provisions specified in Section 19.10.290 Appeal of administrative interpretations and approvals.
 - (6) The ~~planning commission hearing examiner~~ will hear appeals of administrative staff decisions; ~~the city council will hear appeals of planning commission decisions. Both appeals are closed record hearings.~~
 - (7) The Hearing Examiner shall hear any appeal (WSMC 19.10.210) in lieu of ~~the~~ planning commission. The hearing examiner shall make the final determination for all conditional use permits and zoning variances within the parameters of Type II review as specified in Chapter 17.80, which shall be the final decision of the city subject to appeal.
 - (8) Except for Type II site plan and building plan reviews as specified in Ch. 19.10.290.

Summary of Decision Making:

Type I-A — Administrative without notice; administrative appeal by applicant only.

Type I-B — Administrative without notice; administrative appeal by the applicant only; appealable to the planning commission, except as otherwise provided.

Type II — ~~Planning commission~~ Hearing examiner or Planning Commission review, as designated. Notice and open record hearing before the ~~planning commission decision-making body. Planning commission~~ The hearing examiner decision constitutes ~~makes~~ the final decision subject to a right of appeal. Planning Commission decisions are subject to administrative appeal.

Type III — Planning commission makes a recommendation to city council. City council makes the final decision. Notice and public hearings will be held both before the planning commission to make recommendations to city council, and before city council for final decision.

Type IV — Notice and decision by city council during regular council meeting.

Type V — Notice and public hearing before planning commission, with planning commission recommendation to city council. City council also provides notice and public hearing before making final legislative decision.

19.10.050 Joint public hearings (other public agency hearings).

- A. Administrator's Decision to Hold Joint Hearing. The administrator may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C of this section are met.
- B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.

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- C. Prerequisite to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
1. The other agency is not expressly prohibited by statute from doing so;
 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.

19.10.060 Legislative decisions.

- A. Decision. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:
1. Zoning code text, development regulations and zoning district amendments;
 2. Area-wide rezones to implement city policies contained within the White Salmon comprehensive plan and any amendments thereto;
 3. Adoption of the White Salmon comprehensive plan and any plan amendments;
 4. Annexations;
 5. Shoreline master program (SMP) amendments; and
 6. All other master land use and utility plans and amendments thereto.
- B. Except as otherwise provided in this chapter, the administrative procedures for the legislative decisions specified in this section are set forth in Chapter 19.60 of this code.

19.10.070 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the city to make changes to the White Salmon comprehensive plan as part of an annual revision process, the city's development regulations, or to undertake any other legislative actions.

19.10.080 Exemptions from project permit application processing.

- A. Whenever a permit or approval in the White Salmon Municipal Code has been designated as a Type I-A, I-B, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this title:
1. Landmark designations;
 2. Street vacations;
 3. Public works projects identified as planned actions in the White Salmon comprehensive plan or any amendments thereto. Planned actions are those public or private projects specifically identified by city ordinance or resolution adopted after environmental review conducted in conjunction with the adoption or amendment of the White Salmon comprehensive plan.

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- B. Pursuant to RCW 36.70B.140(2), Type I-A permits, including but not limited to building permits, or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA (Chapter 43.21C RCW and Chapter 197-11 WAC), or permits/approvals for which environmental review has been completed in connection with other project permits shall be processed and permitted within one hundred twenty calendar days (subject to Section 19.10.110). However, Type I-A permits are not subject to other requirements of this chapter, and are excluded from the following procedures as defined in this section:
1. Determination of completeness;
 2. Notice of application;
 3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing;
 4. Single report stating that all of the decisions and recommendations made as of the date of the report do not require an open public record hearing;
 5. Notice of Decision. Unless the time deadlines are waived in writing by the applicant, the Type I-A permit shall be processed within one hundred twenty calendar days after the applicant files complete application, subject to the provisions of Section 19.10.110.

ARTICLE II TYPE I—IV PROJECT PERMIT APPLICATIONS

19.10.090 Preapplication conference.

- A. **Recommended Conference.** It is recommended that applicants for project permit Type I-A actions proposing impervious surfaces equal to or exceeding five thousand square feet and/or nonsingle-family structures five thousand square feet or more, Type II, and Type III actions schedule and attend a preapplication conference with the administrator. The purpose of the preapplication conference is to acquaint the applicant with the requirements of the White Salmon Municipal Code and to allow the administrator to provide the applicant with preliminary comments based upon the applicant's preliminary sketch of the proposal.
- B. **Assurances Unavailable.** It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the city's future application or enforcement of all applicable law and ordinances. No statements or assurances made by city representatives shall in any way relieve the applicant of his or her duty to submit an application consistent with all relevant requirements of city, state, and federal codes, laws, regulations and land use plans.
- C. **Optional Conferences.** Preapplication conferences for all other types of applications not specified in this section are optional, and requests for conferences will be considered on a time-available basis by the director.

19.10.100 Development permit application.

- A. Applications for project permits shall be submitted upon forms provided by the city. The applicant is encouraged to schedule a presubmittal conference with the city prior to submittal of the application.
- B. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

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1. A completed project permit application form, including SEPA checklist submitted pursuant to White Salmon Municipal Code (WSMC) Title 18.20 Environmental Protection/SEPA Review;
 2. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property. A photocopy of the property deed shall be provided;
 3. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
 4. The applicable fees;
 5. A site plan, showing the location of all proposed lots and points of access and identifying all easements, deeds, restrictions, or other encumbrances restricting the use of the property, if applicable;
 6. Any supplemental information or special studies identified by the city.
- C. In addition to the requirements set forth in subsections A and B of this section, complete application requirements for the following land use permits are set forth in the following sections of the White Salmon Municipal Code:
- [1.] Construction and Grading permits, see Chapter 13.01 of this code;
 - [2.] Boundary Line Adjustments, see [Title] 16 of this code;
 - [3.] Short Plats, see [Title] 16 of this code;
 - [4.] Preliminary Plat, see [Title] 16 of this code for contents of preliminary plat and notice to owners of contiguous land;
 - [5.] Planned Unit and Cottage Developments, see Chapters 16 and 17 of this code;
 - [6.] Site and Building Plan Review, see Chapter 17.80 of this code;
 - [7.] Conditional Uses, see Chapter 17.80 of this code;
 - [8.] Final Plats, see [Title] 16 of this code;
 - [9.] Amendments and Rezones, see Chapter 17.88 of this code;
 - [10.] Shoreline Substantial Development, Conditional Use, or Variance Permits, see WAC 173-27-180.
- D. The city may waive specific submittal requirements determined to be unnecessary for review of an application. In such event, the city shall document the waiver in the project file.

19.10.110 Submission and acceptance of application—Determination of completeness—Additional information and project revisions.

- A. Determination of Completeness. Within twenty-eight calendar days after receiving a project permit application, the city shall mail a determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

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- B. Identification of Other Agencies with Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by subsection A of this section.
- C. Incomplete Application Procedure.
1. If the applicant receives a determination from the city that an application is not complete or that additional information is required, the applicant shall have one hundred twenty calendar days to submit the necessary information to the city. Within fourteen calendar days after an applicant has submitted the requested additional information, the city shall make the determination as described in subsection A of this section and notify the applicant in the same manner.
 2. If the applicant either refuses in writing to submit additional information or does not submit the required information within the one hundred twenty-day period, the director shall make a determination that the application has been abandoned and is therefore withdrawn.
 3. In those situations where the administrator has deemed an application withdrawn because the applicant has failed to submit the required information within the necessary time period, the applicant will forfeit the application fee.
- D. City's Failure to Provide a Determination of Completeness. A project permit application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection A of this section. Notwithstanding a failure to provide a determination of completeness, the city may request additional information as provided in subsection F of this section.
- E. Date of Acceptance of Application. When the project permit application is determined to be complete, the director shall accept it and note the date of acceptance.
- F. Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in Section 19.10.100, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken after submittal. The city's determination of completeness shall not preclude the city from requiring additional information, that the applicant correct plans or perform studies at any time if new information is required for project review, or if there are substantial changes in the proposed action. No application shall be deemed complete before all applicable application review fees stipulated by Chapter 3.36 WSMC as well as fees applicable to other applicable review processes are collected.
1. Any period during which the city has requested the applicant to correct plans, perform required studies, or provide additional information shall be excluded from the time period provided in this chapter.
 2. The time period for requiring additional information shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of: (a) the date the city determines whether the information satisfies the request for information; or (b) fourteen calendar days after the date the information has been provided to the city.
- G. Effect of Project Permit Application Revisions—Substantial Revisions. If, in the judgment of the administrator, the content of an application is so substantially revised by an applicant, either voluntarily or to conform with applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the administrator shall deem the revised proposal to be a new application.

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1. In reaching a decision whether a revision is substantial, the director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal.
 2. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes.
 3. Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record, including the reasons for the administrator's decision.
 4. A determination that any revision is substantial shall result in the time periods set forth in this chapter starting from the date at which the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of the determination of completeness of the substantial revision.

19.10.120 Referral and review of development permit applications.

Upon acceptance of a complete application, the administrator shall do the following:

- A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those agencies responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have ten calendar days to comment. The administrator may grant an extension of time if needed.
- B. Environmental Review. Developments and planned actions subject to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with the policies and procedures contained in Chapter 18.20 of this code and Chapter 197-11 WAC. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:
 1. Projects categorically exempt from SEPA; and
 2. Components of planned actions previously reviewed and approved in the White Salmon comprehensive plan or amendments thereto to the extent permitted by law and consistent with the SEPA environmental determination for the planned action.
- C. If a Type III procedure is required, the administrator shall provide for notice and hearing as set forth in Sections 19.10.150 through 19.10.190 of this code.

19.10.130 Scope of project review.

- A. Fundamental land use planning choices made in adopted comprehensive and subarea plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted White Salmon comprehensive plan or subarea plan(s), under Section 19.10.140 of this code shall incorporate the determinations under this section.
- B. During project review, the administrator or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted White Salmon comprehensive plan or subarea plan(s). At a minimum, such applicable regulations or plans shall be determinative of the:

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1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional uses, if the criteria for their approval have been satisfied;
 2. Density of residential development; and
 3. Availability and adequacy of public facilities identified in the White Salmon comprehensive plan, if the plan or development regulations provide for funding of these facilities.
- C. During project review, the administrator shall not reexamine alternatives to or hear appeals on the items identified in subsection B of this section.
- D. The administrator may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific probable significant adverse environmental impacts to which the requirements apply. In making this determination, the administrator shall:
1. Determine if the applicable regulations require measures that are sufficient to adequately address site-specific, probable significant adverse environmental impacts identified through project application review; and
 2. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures.
- E. Nothing in this section limits the authority of the city to approve, condition, or deny a project as provided in its development regulations adopted under Chapter 35A.63 RCW and in its policies and criteria adopted under RCW 43.21C.060, including project review under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code.

19.10.140 Project consistency.

- A. A proposed project's consistency with development regulations adopted under Chapter 35A.63 RCW or, in the absence of applicable development regulations, the appropriate elements of the White Salmon comprehensive plan or subarea plan adopted under Chapter 35A.63 RCW shall be determined by consideration of:
1. The type of land use;
 2. The level of development, such as units per acre or other measures of density;
 3. Infrastructure, including public facilities and services needed to serve the development; and
 4. The character of the development, such as development standards.
- B. In determining consistency, the determinations made pursuant to Section 19.10.130 shall be controlling.
- C. For purposes of this section, the term "consistency" shall include all terms used in this chapter and Chapter 36.70A RCW to refer to performance in accordance with this chapter and Chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.
- D. Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the administrator from asking more specific or related questions with respect to any of the four main categories listed in subsections (A)(1) through (4) of this section.

ARTICLE III PUBLIC NOTICE

19.10.150 Notice of application.

- A. Time of Issuance. Within fourteen calendar days of issuing the determination of completeness, the administrator shall issue a notice of application on all Type III project permit applications. If an open record predecision public hearing is required or requested, the notice of application shall be issued at least thirty calendar days prior to the hearing.
- B. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.
- C. The notice of application shall be posted on the subject property and at City Hall. The notice of application shall be issued prior to and is not a substitute for the required notice of a public hearing.
- D. Contents. The notice of application shall include:
 - 1. The name of the applicant;
 - 2. The date of application, the date of the determination of completeness for the application and the date of the notice of application;
 - 3. The street address location of the project or, if unavailable, the location in reference to roadway intersections;
 - 4. A description of the proposed project action and a list of the project permits included in the application;
 - 5. The identification of other permits required by other agencies with jurisdiction not included in the application, to the extent known by the city;
 - 6. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 - 7. The name of the city staff contact and telephone number;
 - 8. A statement of the limits of the public comment period, which shall be ten calendar days following the date of notice of application (or thirty calendar days if the application involves a shoreline master program permit), and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request copy of the decision once made, and any appeal rights;
 - 9. The date, time, place and type of hearing, if applicable, and scheduled prior to issuance of the notice of application;
 - 10. A statement of the preliminary determination of consistency with applicable development regulations and the White Salmon comprehensive plan, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and determination of consistency as provided in Section 19.10.140 of this code;
 - 11. Any other information determined appropriate by the city, such as the city's pending SEPA threshold determination or a statement advising that a final environmental determination shall be made following a comment period;

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12. If a local government has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application;
 13. A statement that the final decision on the application will be made within one hundred twenty days from the date of the determination of completeness.
- E. Public Comment on the Notice of Application. All public comments on the notice of application must be received in City Hall by five o'clock p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. Public comments may be provided at any time up to and during the public hearing. However, the city cannot ensure that comments provided after the comment period on the notice of application will be considered and addressed in staff reports on Type III projects. The SEPA threshold determination shall not be issued until after the expiration of the comment period following the notice of application. Regardless of the expiration of the notice of application comment period, any interested party may comment upon the SEPA threshold determination pursuant to applicable SEPA regulations.

19.10.160 Methods of public notice of application.

- A. The city shall provide the public notice of application for a project permit by posting the property and by publication in the city's official newspaper, as provided in this section, unless otherwise provided in this chapter.
1. Posting. Posting of the property for site-specific proposals shall consist of one or more notice boards posted by the city as follows:
 - a. A single notice board shall be placed:
 - i. At the midpoint of the site street frontage or as otherwise to allow for maximum visibility; and
 - ii. Where it is completely visible to pedestrians and vehicle traffic.
 - b. Additional notice boards may be required when:
 - i. The site does not abut a public road;
 - ii. A large site abuts more than one public road; or
 - iii. The administrator determines that additional notice boards are necessary to provide adequate public notice.
 - c. Notice boards shall be:
 - i. Maintained in good condition by the applicant during the notice period;
 - ii. In place at least ten calendar days prior to the date of hearing or decision; and
 - iii. Removed within fifteen calendar days after the end of the notice period.
 2. Published Notice. Published notice shall include at least the project's street address or location, project description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in a newspaper of general circulation in the county.

19.10.170 Shoreline master program (SMP) permits.

SMP permits require notice as provided in WAC 173-27-110 and additional mailing of the notice as provided herein:

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- A. Mailing. The notice of application shall be mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed.
 - B. Content of SMP Notice. Except as provided in subsection C of this section, the content of SMP notices shall be identical to the notice set forth in WAC 173-27-110.
 - C. SMP Comment Period. The public may provide comments for thirty calendar days after the notice of publication date. (SMP notice is twenty calendar days longer than the comment period for other Type III permits as required by RCW 90.58.140.) A notice of application for a shoreline substantial development permit shall notify the public of the thirty-day comment period.

19.10.180 Optional additional public notice.

- A. As optional methods of providing public notice of any project permits, the city may:
 - 1. Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 - 2. Notify the news media;
 - 3. Place notices in appropriate regional or neighborhood newspapers or trade journals;
 - 4. Publish notice in agency newsletters or send notice to agency mailing lists, either general lists or lists for specific proposals or subject areas;
 - 5. Mail to neighboring property owners; and
 - 6. Place notices on the Internet.
- B. The city's failure to provide the optional notice as described in this subsection shall not be grounds or invalidation of any permit decision.

19.10.190 Notice of public hearing.

- A. Content of Notice of Public Hearing for All Types of Applications. The notice given of a public hearing required in this chapter shall contain **the following**:
 - 1. The name and address of the applicant or the applicant's representative;
 - 2. Description of the affected property, including the street address (if any) and either a vicinity location (including roadway intersections) or written description, other than a legal description, reasonably sufficient to inform the public of the location;
 - 3. The date, time and place of the hearing;
 - 4. A description of the nature of the proposed use or development;
 - 5. A statement that all interested persons may appear at the hearing and provide oral or written comments or testimony;
 - 6. Where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be submitted;
 - 7. The name of the city staff contact or representative and the telephone number where additional information may be obtained;

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8. That a copy of the application and staff report, and all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost.
- B. Mailed Notice. Mailed notice of the public hearing shall be provided as follows:
1. Type I-A, Type I-B, Type IV, and Type V Actions. No mailed public notice is required.
 2. Type II Permits - Limited Public Notice. A notice of development application for a Type II permit shall be sent by mail by the administrator. The applicant is responsible for mailing costs of said notice and shall obtain the official list of names and addresses from the county assessor's office. If the applicant/owner of the proposed project permit owns contiguous property to the project, notice shall apply to the boundaries of such contiguous parcels. Public notice shall be mailed to the property owner(s), applicant(s), authorized agents, and also to all owners of adjacent properties that abut the subject property or properties under contiguous ownership of the owner/applicant of the subject permit not fewer than ten nor more than forty-five days prior to the closed record public hearing. For the purposes of this section, properties separated by public right-of-way are considered to be adjacent properties.
 3. Type III Actions. The notice of public hearing shall be mailed to:
 - a. The applicant;
 - b. All owners of property within three hundred feet of any portion of the subject property; and
 - c. Any person who submits written comments on an application.
 4. Type III Preliminary Plat Actions. In addition to the notice for Type III actions above, additional notice for preliminary plats and proposed land divisions shall be provided as follows:
 - a. Notice of the filing of a preliminary plat application of a proposed land division located adjoining the city's municipal boundaries shall be given to the appropriate county officials;
 - b. Notice of the filing of a preliminary plat application of a proposed land division located adjacent to the right-of-way of a state highway shall be given to the Washington State Secretary of Transportation, who must respond within fifteen calendar days of such notice;
 - c. Special notice of the hearing shall be given to adjacent landowners by any other reasonable method the city deems necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within three hundred feet of any portion of the boundary of the proposed land division. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, mailed notice under RCW 58.17.090(1)(b) and this section shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.
 5. Type V Actions. For Type V legislative actions, the city shall publish notice at City Hall and by one publication in a newspaper of general circulation in the county at least ten days before the hearing and all other notice required by city code and RCW 35.23.221.
 6. General Procedure for Mailed Notice of Public Hearing. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

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- C. Procedure for Posted or Published Notice of Public Hearing.
1. Posted notice of the public hearing is required for all Type II and Type III project permit applications. The posted notice shall be posted as required by Section 19.10.160(A)(1) of this code.
 2. Published notice is required for all procedures involving an open record public hearing. The published notice shall be published in a newspaper of general circulation in the county. Published notice is not required for closed record public hearings before the city council, as no new testimony or evidence is allowed at such hearings. Mailed notice of the closed record public hearing shall be provided for all parties of record.
- D. Time and Cost of Notice of Public Hearing.
1. Notice of a public hearing shall be mailed, posted and first published not less than ten nor more than forty-five calendar days prior to the hearing date. Any posted notice shall be removed within fifteen calendar days following the public hearing.
 2. All costs associated with the public notice shall be borne by the applicant.

ARTICLE IV PROJECT REVIEW AND APPROVAL PROCESS

19.10.200 Administrative approvals without notice (Type I-A).

- A. The administrator may approve, approve with conditions, or deny (with or without prejudice) all Type I-A permit applications without notice.
- B. The administrator's decisions under this section shall be final on the date issued.

19.10.210 Administrative approvals subject to notice (Type I-B).

- A. The administrator may grant approval, preliminary approval, or approval with conditions, or may deny (with or without prejudice) all Type I-B permit applications, subject to the notice and appeal requirements of this section. The administrator shall issue written findings and conclusions supporting Type I-B decisions.
- B. Final Administrative Approvals. Administrative decisions under this section shall become final subject to the following:
 1. An applicant may appeal the decision to the ~~planning commission~~ hearing examiner; provided, that a written appeal is filed within thirty calendar days after the notice of the decision.
 2. If no appeal is submitted, the preliminary approval becomes final at the expiration of the notice period.
 3. If a written notice of appeal is received within the specified time the matter will be referred to the ~~planning commission~~ hearing examiner. The decision of the ~~planning commission~~ hearing examiner shall be the final city decision.

19.10.220 City council action.

- A. Actions. Upon receiving a recommendation from the planning commission, an appeal of a planning commission's decision or notice of any other matter requiring the council's attention, the council shall perform the following actions as appropriate:
1. Hold a closed record public hearing and make a decision on a planning commission recommendation;
 2. Hold a closed record public hearing and make a decision on an appeal of a planning commission decision;
 3. Hold an open record public hearing and make a decision on a legislative matter (Type V action);
 4. Make a decision on Type IV actions;
 5. At the council's discretion, hold a public hearing and make a decision on the following matters: other matters not prohibited by law.
- B. Decisions. The city council shall make its decision by motion, resolution, or ordinance as appropriate. In its decision regarding appeals of planning commission decisions, the city council shall adopt written findings and conclusions (either those rendered by the planning commission or findings and conclusions prepared by the council).
1. A city council decision on a planning commission recommendation or on an appeal of a planning commission decision following a closed record public hearing shall include one of the following actions:
 - a. Approve as recommended;
 - b. Approve with additional conditions;
 - c. Modify, with or without the applicant's concurrence; provided, that the modifications do not:
 - i. Enlarge the area or scope of the project;
 - ii. Increase the density or proposed building size; or
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official;
 - d. Deny without prejudice (reallocation or resubmittal is permitted);
 - e. Deny with prejudice (reapplication or resubmittal is not allowed for one year); or
 - f. Remand for further proceedings and/or evidentiary hearing in accordance with Section 19.10.270 of this code.
 2. A council decision following a closed record appeal hearing shall include one of the following actions:
 - a. Grant the appeal in whole or in part;
 - b. Deny the appeal in whole or in part; or
 - c. Remand for further proceedings and/or evidentiary hearing in accordance with Section 19.10.270 of this code.
 3. A council decision on a Type IV action shall include one of the following actions:
 - a. Approve;
 - b. Approve with conditions in accordance with the White Salmon Municipal Code or other regulations; or
 - c. Deny without prejudice (reapplication or resubmittal is permitted).

19.10.230 ~~Planning commission~~ Review and decision (Type II).

- A. The ~~planning commission designated decision-making body~~ shall review and make findings, conclusions and issue ~~final~~ decisions on all Type II permit applications, subject to appeal as designated.
- B. Staff Report. The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the city's development code, adopted plans and regulations. If requested by the ~~planning commission~~ designated decision-making body, the staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.
- C. ~~Planning Commission~~ Hearing. ~~The planning commission shall conduct a~~ A public hearing shall be held on Type II 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 ~~planning commission~~ hearing shall be in accordance with Section 19.10.190. All appeals of administrative project permit decisions shall be considered together with the decision on the project application in a single, consolidated public hearing.
- D. Required Findings. In addition to the approval criteria listed in this code, the ~~planning commission~~ designated decision-making body shall not approve a proposed development unless it first makes the following findings and conclusions:
1. The development is consistent with the White Salmon comprehensive plan and meets the requirements and intent of the White Salmon Municipal Code;
 2. The development is not detrimental to the public health, safety and welfare;
 3. The development adequately mitigates impacts identified under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code; and
 4. For land division applications, findings and conclusions shall be issued in conformance with White Salmon Municipal Code Title 16 and RCW 58.17.110.
- E. Final Decision. In ~~the planning commission's~~ any decision regarding Type II actions, the designated decision-making body ~~it~~ shall adopt written findings and conclusions.
1. The ~~planning commission's~~ decision following closure of an open record public hearing shall include one of the following actions:
 - a. Approve;
 - b. Approve with conditions;
 - c. Deny without prejudice (reapplication or resubmittal is permitted); or
 - d. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
 2. The decision shall be a final decision, appealable in accordance with Sections 19.10.300 and 19.10.310 of this code.

19.10.235 ~~Planning commission~~ review and recommendation (Type III).

- A. The planning commission shall review and make findings, conclusions and issue recommendations on all Type III permit applications.

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- B. **Staff Report.** The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the city's development code, adopted plans and regulations. If requested by the planning commission, the staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.
- C. **Planning Commission Hearing.** The planning commission shall conduct a public hearing on Type III 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 planning commission hearing shall be in accordance with Section 19.10.190 of this code.
- D. **Required Findings.** In addition to the approval criteria listed in this code, the planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:
1. The development is consistent with the White Salmon comprehensive plan and meets the requirements and intent of the White Salmon Municipal Code;
 2. The development is not detrimental to the public health, safety and welfare;
 3. The development adequately mitigates impacts identified under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code; and
 4. For land division applications, findings and conclusions shall be issued in conformance with Sections 19.10.230 ~~Planning commission~~ review and decision **by the designated decision-making body** (Type II) and 19.10.235 Planning commission review and recommendation (Type III) of this title, and RCW 58.17.110.
- E. **Recommendation.** In the planning commission's recommendation decision regarding Type III actions, it shall adopt written findings and conclusions. The planning commission's recommendation following closure of an open record public hearing shall include one of the following actions:
1. Recommend approval;
 2. Recommend approval with conditions; or
 3. Recommend denial.

19.10.240 Procedures for public 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. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. In cases where scientific standards and criteria affecting project approval are at issue, the chair shall allow orderly cross-examination of expert witnesses presenting reports and/or scientific data and opinions. The hearing body may address questions to any party who testifies at a public hearing. The chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

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- C. Testimony or comments by the public germane to the matter.
 - D. Rebuttal, response or clarifying statements by the staff and the applicant.
 - E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

19.10.250 Procedures for closed record hearings and appeals.

Closed record hearings ~~on planning commission appeals~~ shall be conducted in accordance with the city council's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record hearings shall be conducted generally as provided for other public hearings. Except as provided in Section 19.10.270 of this code, no new evidence or testimony shall be given or received. The parties to an appeal ~~of a planning commission decision~~ of a decision may submit timely written statements or arguments.

19.10.260 Reconsideration.

A party of record at a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within five calendar days of the oral announcement of the final decision. The request shall comply with Section 19.10.310(B) of this code. The council or hearing body 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 or hearing body 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.

19.10.270 Remand.

In the event the city council determines that the public hearing record, the record on appeal as applicable, are insufficient or otherwise flawed, the council may remand the matter back to the ~~planning commission decision-making body as designated~~ or administrator, as applicable, to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work.

19.10.280 Final decision—Exclusions to one hundred twenty-day deadline.

- A. Time. The final decision on a development proposal shall be made within one hundred twenty calendar days from the date of the determination of completeness. In determining the number of calendar days that have elapsed after the determination of completeness, the following periods shall be excluded:
 - 1. Any time needed to amend the White Salmon comprehensive plan or development regulations;
 - 2. Pursuant to Section 19.10.110(F) of this code, any time required to correct plans, perform studies or provide additional information; provided, that within fourteen calendar days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review;
 - 3. Pursuant to Section 19.10.110(G) of this code, substantial project revision(s) made or requested by an applicant, in which case the one hundred twenty calendar days will be calculated from the time that the city determines the revised application to be complete and

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- issues a new determination of completeness in accordance with Section 19.10.110(A) of this code;
4. All time required for the preparation and review of an environmental impact statement;
 5. Any time needed to process an application for projects involving the siting of an essential public facility;
 6. An extension of time mutually agreed upon by the city and the applicant;
 7. Any remand to the planning commission.
- B. **Effective Date.** The final decision of the council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the appeal periods shall be calculated from the date of issuance of the land use decision, as provided in the Land Use Petition Act, Chapter 36.70C RCW. For the purposes of this chapter, the date on which a land use decision is issued is:
1. Three days after a written decision is mailed by the city or, if not mailed, the date on which the city provides notice that a written decision is publicly available;
 2. If the land use decision is made by ordinance or resolution by the city council sitting in a quasi-judicial capacity, the date the city council passes the ordinance or resolution; or
 3. If neither subsection (B)(1) nor (2) of this section applies, the date the decision is entered into the public record.
- C. **Notice of Decision.** Upon issuance of the final decision, administrator shall mail or hand deliver a copy of the final decision to the applicant, any persons who have filed a written request for a copy of the decision, and to all persons who submitted substantive written comments on the application. The notice of decision shall include a statement of the threshold determination made under Chapter 18.20 (Environmental Protection/SEPA Review) of this code and the procedures for an appeal (if any) of the permit decision or recommendation.
- D. **Notice of Delayed Decision.** If the city is unable to issue its final decision within the time limits provided in this chapter, the city will provide written notice of this fact to the applicant. The notice shall contain a statement of reasons why the time limits have not been met and an estimated date for issuance of the final decision.

ARTICLE V APPEALS

19.10.290 Appeal of administrative interpretations ~~and approvals~~ (Type I-A and I-B).

Administrative interpretations may be appealed, by applicants or parties of record, to the ~~planning commission. decision-making~~ decision-making body as designated Type I-A ~~approvals decisions~~ may be appealed to the ~~planning commission hearing examiner. in accordance with Section 19.10.200.~~ The decision is final on the date issued and no notice of the decision is required. Type I-B decisions ~~approvals~~ may be appealed to the ~~planning commission hearing examiner~~ in accordance with Section 19.10.210 Administrative approvals subject to notice (Type I-B) of this title.

19.10.300 Appeal of ~~planning commission~~ Type II Planning Commission decisions (Type II) — Standing to appeal.

~~Planning commission~~ **Type II Planning commission** decisions may be appealed by parties of record from the open record hearing to the city council. "Parties of record" include: the land use permit applicant; persons who have testified at the open record hearing; and any persons who have submitted written comments concerning the application that forms part of the public record that is considered at the open record hearing (excluding persons who only signed petitions or mechanically produced form letters).

19.10.310 Appeals—Procedure.

- A. Filing. Every appeal of an administrative decision ~~, as well as planning commission decisions,~~ shall be filed with the administrator within thirty calendar days after the date of the recommendation or decision of the matter being appealed. ~~Provided, however, a~~ Appeals of Type II **Planning Commission** decisions shall be filed within the time periods set forth in ~~Section 19.10.210 of this~~ code (thirty calendar days) and SEPA appeals shall be filed in accordance with Chapter 18.20 (Environmental Protection/SEPA Review) of this code (ten calendar days). A notice of appeal shall be delivered to City Hall by mail or personal delivery, and must be received by five o'clock p.m. on the last business day of the appeal period, with the required appeal fee.
- B. Contents. The notice of appeal shall contain a concise statement identifying:
 - 1. The decision being appealed;
 - 2. The name and address of the appellant and his or her interest(s) in the matter;
 - 3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
 - 4. The desired outcome or changes to the decision; and
 - 5. The Appeal Fee. All requests for reconsideration filed pursuant to Section 19.10.260 of this code shall contain all information required in this section.
- C. Any notice of appeal not in full compliance with this section shall not be considered, and the appellant shall be so notified.

19.10.320 Judicial appeal.

- A. Appeals from the final decision of the city council and appeals from any other final decisions specifically authorized (subject to timely exhaustion of all administrative remedies) shall be made to Superior Court within twenty-one calendar days of the date the decision or action became final, as defined in Section 19.10.280(B) of this code, unless another time period is established by state law or local ordinance. All appeals must conform with procedures set forth in Chapter 36.70C RCW.
- B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, and all persons identified in RCW 36.70C.040, within the applicable time period. This requirement is jurisdictional.
- 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. Prior to the preparation of any records, the appellant shall post with the city clerk an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

19.10.330 Effective date—Severability.

- A. Effective Date. This chapter shall be effective on December 1, 2012; provided, however, all complete land development applications meeting all requirements of the White Salmon Municipal

Code filed on or after December 1, 2012 shall be subject to the requirement of a single, consolidated open record public hearing, including the requirements set forth in Sections 19.10.200 through 19.10.320 of this code.

- B. Conflict with Other Procedures. In the event of a conflict in project application and/or public hearing procedures found elsewhere in the White Salmon Municipal Code or found in the White Salmon shoreline master program, and the requirements of this chapter, the requirements and procedures set forth in this chapter shall prevail.
- C. Severability. If any clause, sentence, paragraph, section or part of this chapter or its application to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect the validity or constitutionality of the remainder of any part of this chapter. To this end, the provisions of each clause, sentence, paragraph, section or part of this law are declared severable.

19.10.340 Land development permit and appeal fees.

Land use permit and appeal fees are set in Chapter 3.36 WSMC.

Chapter 19.20 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS

19.20.010 Purpose and definitions.

- A. Purpose. The purpose of this chapter is to establish the type of action, procedures for suggesting amendments, and to encourage public participation for comprehensive plan, subarea plan, and development regulation amendments.
- B. Definitions. The following definitions shall apply throughout this chapter:
 - 1. "Comprehensive land use plan" or "comprehensive plan" means a generalized coordinated land use policy statement of the city of White Salmon that is adopted pursuant to RCW 35A.63.
 - 2. "Development regulation" means the controls placed on development or land use activities by the city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, and land division ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, even though the decision may be expressed in a resolution or ordinance of the city council.
 - 3. "Subarea plan" means a section of the comprehensive plan which contains specific policies, guidelines, and criteria adopted by the council to guide land development, transportation facilities, community facilities, infrastructure, and capital improvement decisions within specific subareas of the city. The subareas of the city shall consist of natural homogenous communities, distinctive geographic areas, or other districts having unified interest.

19.20.020 Type of action.

An amendment to the comprehensive plan, a subarea plan, or the development regulations is a Type V (legislative) action and shall be considered in accordance with the procedures for such actions as set forth in this chapter. Criteria and considerations for amendments to the comprehensive plan are listed in the plan.

19.20.030 Application.

- A. An amendment to the comprehensive plan, a subarea plan, or the development regulations may be initiated by the city council, planning commission, planning administrator, or an owner(s) of real property within the city.
- B. An application made by a private party for a comprehensive plan, subarea plan, or development regulation amendment shall contain the following:
 - 1. Name, address and telephone number of the person(s) suggesting the amendment;
 - 2. Citation of the specific text, map, or other illustration suggested to be amended;
 - 3. The suggested amendment such as the proposed amendatory language, if applicable, with new language underlined and language proposed for deletion in strikeout;
 - 4. A statement of how the amendment is in the public interest;
 - 5. In the case of an amendment to the development regulations, a statement of how the amendment complies with the comprehensive plan;
 - 6. In the case of an amendment to the comprehensive land use plan map, a statement explaining how the subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provision of utilities, compatibility with neighboring land uses, and absence of physical constraints, and all materials specified in Chapter 17.88.040;
 - 7. Any additional information deemed reasonably necessary by the administrator to evaluate the proposed amendment; and
 - 8. Application fee(s) as established in Chapter 3.36 Land Use of Title 3 Revenue and Finance, WSMC.

19.20.040 Timing and process for consideration of suggested amendments.

- A. Comprehensive plan and subarea plan amendments (text and map) shall be considered once annually. All amendments requested by the city or private parties shall be reviewed concurrently to ensure that the integrity of the comprehensive plan or subarea plan is preserved. All plan amendments are to be provided in writing and are to be submitted no later than December 31st of every year. Plan amendments shall be considered by the planning commission no later than April 30th of the following year and by the city council within sixty days of receipt of the recommended amendments.
- B. Development regulation amendments may be initiated at any time.
- C. The planning commission shall make recommendations to the city council on all comprehensive plan matters, including amendments to the plan text and map, development regulations, and subarea plans.
- D. Suggested amendments shall be considered by the city council or planning commission, in duly advertised public hearings, public meetings, workshops, and other settings as warranted to ensure that each suggested amendment is thoroughly deliberated. Continued hearings may be held at the discretion of the city but no additional notices need be published.
- E. Upon completion of the hearing or hearings on amendments to the comprehensive plan or subarea plan, the planning commission shall transmit a copy of its recommendations to the legislative body

through the planning administrator, who shall acknowledge receipt thereof and direct the clerk to certify thereon the date of receipt.

19.20.050 Public participation.

- A. The public shall be made aware of the opportunity to suggest plan amendments and to comment on suggested amendments through methods including, but not limited to, direct mailings, newsletter and newspaper articles, legal advertisements, and notices posted in public places.
- B. At least one public hearing shall be held on any proposed amendment. Public notice requirements shall be as set forth in Sections 19.10.150 through 19.10.190 of the preceding chapter.

19.20.060 Criteria for approval.

In order for an amendment to be approved, the council must find that:

- A. The suggested amendment is in the public interest;
- B. The suggested amendment is consistent with the provisions of the White Salmon comprehensive land use plan;
- C. In the case of an amendment to the comprehensive land use plan map, the subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provision of utilities, compatibility with neighboring land uses, and absence of physical constraints; and
- D. The suggested amendment addresses a need which was improperly or inadequately addressed by the present text or map.

19.20.070 Council action.

- A. For comprehensive plan and subarea plan amendments, the city council shall consider a recommended amendment within sixty days of its receipt.
- B. After considering any recommendations and public comments, the council shall approve, approve with modifications, disapprove, or remand the proposed amendment to the planning commission for further proceedings based on the criteria required by this chapter and any other applicable provisions. If the city council remands the proposed amendment, it shall specify the time in which the planning commission shall report back to the city council its findings and recommendations on matters referred to it.
- C. Any amendment to the comprehensive plan or a subarea plan shall be adopted by resolution. An affirmative vote of not less than a majority of the total members of the city council shall be required for adoption of a resolution to amend the comprehensive plan.
- D. Any amendment to the development regulations shall be adopted by ordinance. [An] affirmative vote of not less than a majority of the total members of the city council shall be required for adoption of an ordinance.

19.20.080 Denial of suggested amendments.

When a suggested amendment to the comprehensive plan, a subarea plan, or development regulations is denied, the same amendment shall not be considered again for a period of at least one year, unless the city council determines that the amendment meets one of the two following criteria:

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- A. The amendment is essential to allow the siting of an employer who will bring more than twenty-five jobs into the community within one year; or
 - B. The city council declares a state of emergency and adopts findings which clearly demonstrate that the amendment is essential to preserve or promote the general health, safety, or welfare of the city and/or its residents.

Section 2. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. This Ordinance shall take effect and be in force five (5) days after its publication according to law.

Section 4. Transmittal to the State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

Passed by the council and approved by the Mayor on this 17th day of January, 2024.

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk Treasurer

Shawn MacPherson, City Attorney



COUNCIL REPORT

Ordinance First Reading

Needs Legal Review:	Yes, Completed
Meeting Date:	January 3, 2024
Agenda Item:	Ordinance 2024-01-1159 Amending WSMC Chapter 17.80
Presented By:	Stephanie Porter, Clerk Treasurer Shawn MacPherson, City Attorney

Action Required:

Review and discuss the proposed changes to WSMC 19 to sync the changes adopted on December 20, 2023 to Chapter 17 Zoning and 2.21 Hearing Examiner.

Explanation of Issue:

The proposed code changes that will be presented to the Council at their meeting on January 3, 2024 are the Land Use Type tables, charts, and language in Chapter 17.80 related to the Hearing Examiner vs Planning Commission and what land use decision require review.

City Attorney and staff met to review the necessary changes to ensure all changes are captured in the changes that will be presented in Ordinance 2024-01-1159.

The City Council will have a Public Hearing regarding the proposed changes on January 17, 2024 where action can be taken if desired.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Refer this issue back to staff for additional work.
4. Take No Action
5. Other action as desired by council.

Fiscal Analysis:

No fiscal impact.

**CITY OF WHITE SALMON
ORDINANCE NO. 2024-01-1159**

**AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODE CHAPTER 17.80
CONDITIONAL USES, VARIANCES, AND APPEALS FOR THE CITY OF WHITE SALMON,
WASHINGTON, INCLUDING SERVABILITY DATE.**

WHEREAS, The City of White Salmon adopted updates to WSMC 17 Zoning and WSMC 2.21 Hearings Examiner;

WHEREAS, The City of White Salmon has identified sections of code that need to be updated to be consistent with the changes adopted on December 20, 2023.

NOW, THEREFORE, the City Council of the City of White Salmon do ordain as follows:

Section 1. Amendment to Title 17.80 Conditional Uses, Variances, and Appeals; The City hereby repeals WSMC Title 17 Chapter 17.80 in their entirety, and adopts the following to be codified as WSMC Title 17 Chapter 17.80

Key: ~~**Bold and Strike through**~~ means repealed.

Bold and underline means new.

17.80.010—17.80.050 Reserved.

17.80.055 Conditional use permit purpose and criteria.

The ~~administrator or the planning commission~~ **hearing examiner** shall hear and decide applications for conditional uses ~~in certain districts~~; provided that any conditional use permit granted is subject to and consistent with the following conditional use permit review provisions:

1. Purpose. The purpose of the conditional use permit process is to provide flexibility in the city's land use regulations in order to accommodate uses which may be appropriate in an established zone under certain circumstances, but inappropriate in the same zone under others. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to the goals and policies established in the city's comprehensive plan and the purpose of the zoning designation and this regulation. This review shall determine whether the proposed use should be permitted by weighing the public need or the benefit to be derived from the use, against the impact which it may cause.
2. Scope. This section shall apply to each application for a conditional use permit including both primary and accessory uses.
3. Application Submittal and Contents.
 - a. The application for a conditional use permit shall be submitted to the city on forms provided by the city, along with the appropriate documentation and signatures. The application shall include all materials required pursuant to city regulations.
 - b. Specific submittal requirements determined to be unnecessary for review of an application may be waived by the city.
4. Permit Review Process. Applications for conditional uses shall be processed ~~as a type I-B decision by the administrator for simple applications or~~ as a type II decision ~~where in the~~

~~administrator's discretion additional public input or subject to hearing examiner review is necessary or appropriate~~ according to procedures set forth in Title 19.

5. Approval Criteria. The city may approve or approve with modifications an application for a conditional use permit if the following criteria are satisfied:
 - a. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property;
 - b. The conditional use will be served by adequate public facilities including streets, fire protection, parking, water, sanitary sewer, and storm water control;
 - c. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel;
 - d. The conditional use has merit and value for the community as a whole;
 - e. The conditional use is consistent with the goals and policies of the city of White Salmon's comprehensive plan;
 - f. The conditional use complies with all other applicable criteria and standards of the White Salmon Municipal Code; and
 - g. That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.
6. Additional Conditions. The city may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The conditions may:
 - a. Increase requirements in the standards, criteria or policies established by this chapter;
 - b. Stipulate an exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;
 - c. Require structural features or equipment essential to serve the same purposes as set forth in subsection b. of this section;
 - d. Impose conditions similar to those set forth in subsections b. and c. of this section, as deemed necessary to establish parity with uses permitted in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards and similar matters;
 - e. Require reporting by the applicant or operator on a regular basis sufficient to demonstrate continued compliance with all conditions of approval.
7. Authority to Deny. The city may deny any conditional use request when adverse impacts reasonably expected to result from the use cannot be avoided, eliminated or mitigated to an acceptable degree.
8. Use of Property Before Final Decision. No business license or building permit shall be issued for any use involved in an application for approval for a conditional use permit until the permit application becomes effective.
9. Conditional Use Permits—Effective Period.
 - a. A decision granting a conditional use permit shall become effective upon the date of such decision.

-
- b. A conditional use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the conditional use permit unless:
 - (i) The applicant has received an extension of time for the conditional use permit subject to city extension requirements.
 - (ii) The conditional use permit approval provides for a greater time period.
10. Extension of Time.
- a. The city may extend a conditional use permit, not to exceed one year, if the applicant demonstrates good cause to the city's satisfaction that:
 - (i) Unforeseen circumstances or conditions necessitate the extension of the permit;
 - (ii) Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
 - (iii) An extension of the permit will not cause substantial detriment to existing use in the immediate vicinity of the subject property.
 - b. The director of the development services department may grant no more than two extensions. A second extension may be granted only if:
 - (i) The criteria listed in this subsection are met;
 - (ii) The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and
 - (iii) Conditions in the immediate vicinity of the subject property have not changed substantially since the conditional use permit was first approved.
11. Modification of Conditional Use Permit. The city may initiate a modification to an approved conditional use permit. A modification will be processed as a new conditional use permit but will consider only the impacts and mitigation related to the proposed modification. Through the modification procedure, the city may delete, modify or impose additional conditions upon finding that the use for which the approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land use.
12. Conditional Use Permit to Run with the Land. A conditional use permit granted pursuant to the provisions of this section shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the permit application. No other use is allowed without approval of an additional conditional use permit.

17.80.058 Variance purpose and criteria.

Application for variances from the terms of this title; provided, that any variance granted shall be subject to such conditions as will assure compliance with the following purpose and criteria:

1. Purpose. The purpose of the variance process is to provide a mechanism whereby the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of this chapter and of the city comprehensive plan can be fulfilled.
2. Scope. This section shall apply to each application for a variance from the provisions of this chapter.
3. Application Submittal and Contents. The application for a variance shall be submitted to the city on forms provided by the city, along with the appropriate fees established by city fee

regulations. The application shall include all materials required pursuant to application requirements.

4. Permit Review Process. Variance applications shall be processed as a Type II decision according to the procedures set forth in Title 19.
5. Approval Criteria. The decision maker may approve or approve with modifications an application for a variance from the provisions of this chapter if:
 - a. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located;
 - b. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;
 - c. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located;
 - d. The special circumstances of the subject property make the strict enforcement of the provisions of this chapter an unnecessary hardship to the property owner;
 - e. The special circumstances of the subject property are not the result of the actions of the applicant;
 - f. The variance is the minimum necessary to fulfill the purpose and the need of the applicant;
 - g. The variance is consistent with the purposes and intent of this chapter;
 - h. The variance is consistent with the goals and policies of the city comprehensive plan; and
 - i. The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

17.80.059 Appeals.

Appeals. The applicant may appeal any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this chapter per provisions of Title 19, Article V Appeals.

17.80.060 Conditional use permit or variance—Hearing.

Upon ~~the~~ filing of an application for a conditional use permit or a variance, the ~~planning commission~~ **administrative official** shall set the time and place for a public hearing on such matter, and written notice thereof shall be mailed pursuant to the procedures of Title 19.

17.80.070 Appeals—Filing time.

Any person aggrieved, or by any officer, department, board or bureau affected by any decision of an administrative official may be entitled to file an appeal pursuant to the procedures set forth in Title 19, which shall be the exclusive section for administrative and land use appeals in this code.

Section 2. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. This Ordinance shall take effect and be in force five (5) days after its publication according to law.

Section 4. Transmittal to the State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

Passed by the council and approved by the Mayor on this 17th day of January, 2024.

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk Treasurer

Shawn MacPherson, City Attorney

File Attachments for Item:

A. Motion to Amend WSMC 2.21.010 B i - Scrivener Error in Ordinance 2023-12-1156

1. Explanation

2. Action



COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:

Yes, completed

Meeting Date:

January 3, 2023

Agenda Item:

Motion to Amend WSMC 2.21.010 B i - Scribner Error in Ordinance 2023-12-1156

Presented By:

Stephanie Porter, Clerk Treasurer

Action Required:

Review and motion to accept Amendment to WSMC 2.21.010 B i necessary due to a scribner error in Ordinance 2023-12-1156.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to Amend WSMC 2.21.010 B i from Ordinance 2023-12-1156 to read removing “ and home occupancy permits” so the section reads WSMC 2.21.010 B i “Hold public hearings and make final decisions concerning conditional use permits and variances to zoning ordinances. In making final decisions concerning conditional use permits and variances to the zoning ordinances, the hearing examiner shall be acting as the board of adjustment under Chapter 17.80 of the White Salmon Municipal Code.”.

Background of Issue:

The City Council adopted Ordinance 2023-12-1156 amending WSMC 2.20 and 2.21.

This adoption removed:

WSMC 2.20.020 B 3 a “Hold public hearings and make final decisions concerning conditional use permits and variances to zoning ordinances. In making final decisions concerning conditional use permits, variances to the zoning ordinances, and home occupation permits, the hearing examiner shall be acting as the board of adjustment under Chapter 17.80 of the White Salmon Municipal Code”;

and

WSMC 2.20.020 B 3 c “Give final written permission for home occupation permits under Chapter 17.56 of the White Salmon Municipal Code.”

This adoption added:

WSMC 2.21.010 B i “Hold public hearings and make final decisions concerning conditional use permits and variances to zoning ordinances. In making final decisions concerning conditional use permits, variances to the zoning ordinances, and home occupation permits, the hearing examiner shall be acting as the board of adjustment under Chapter 17.80 of the White Salmon Municipal Code”.

Explanation of Issue:

The intent of removing section 2.20.020 B 3 a and c was to refer to WSMC 17.56 for all Home Occupation Permitting guidance. The language including it in WSMC 2.21.010 B i was a scribner error.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

There are no Financial Implications

DEI & Stakeholder Analysis:

This change does not have a direct affect on DEI goals, but does create a more clear and equitable code that is useful to all residents.

Policy & Plan Implications:

This change will coincide with the Housing Actions Plan desire to clean up code and make it more user friendly.

Recommendation of Staff/Committee:

Staff recommends approving the scribner amendment to WSMC 2.21.010 B i..

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**CITY OF WHITE SALMON
ORDINANCE 2023-12-1156**

AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODES CHAPTER 2.20 BOARDS, COMMISSIONS AND COMMITTEES AND WSMC 2.21 HEARING EXAMINER AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City finds that amendments to the makeup of the Community Development Committee will be beneficial; and

WHEREAS, the City finds that amendments to the makeup of the City Operations Committee will be beneficial; and

WHEREAS, the City finds that amendments to the provisions for the Tree Board are necessary; and

WHEREAS, the City finds that amendments to the provisions for a Planning Commission are necessary; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON WASHINGTON DO HEREBY ORDAIN as follows:

SECTION 1. White Salmon Municipal Code Chapter 2.20 – Boards, Commissions and Committees is amended as follows:

Chapter 2.20 Boards, Commissions, and Committees.

2.20.010 Committees

A. Appointment by mayor.

At the first regular meeting of the city council in January of each year, the Mayor shall, with the advice and consent of the city council, appoint the following standing committees:

1. Personnel and finance committee which shall consist of three members, two of whom shall be members of the city council and one member at large ~~who whom~~ shall be representative of the public and is a resident of the City of White Salmon and are of legal voting age. The mayor and clerk-treasurer, or their designees, shall serve as non-voting ex officio members.
2. City operations committee (parks, health and sanitation, street systems, **Transportation Benefit District**, water and wastewater facilities, fire, and police) which shall consist of two council members **and one White Salmon resident**.

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3. Community development committee (~~annexations and real estate, tourism, business development, and housing~~) (public property, tourism, business development, arts, culture, and community engagement) which shall consist of ~~five~~ three members, two of which shall be members of the city council, ~~two of which shall be members of the planning commission~~ and one of which shall be a member of the White Salmon Arts Council.
4. Lodging tax advisory committee shall consist of five members, two representatives of a business required to collect the lodging tax (hotel/motel tax), two representatives of an activity whose activities are authorized to be funded by the lodging tax (hotel/motel tax); and one representative of the city council who shall be the Chairperson of the lodging tax advisory committee.

B. Creation of committees.

1. The mayor may create other committees with the consent of the council.
2. If a committee is created that is intended to be a standing committee, this code shall be amended to reflect such committee.
3. If a committee is created for which the duration is intended to be no longer than a 5-year period, a resolution identifying the makeup of the committee and its purpose, powers and duties shall be adopted.

C. Committees – Powers and duties.

1. Personnel and finance committee.
 - a. It is the responsibility of the committee to consider and approve draft budget proposals prepared and submitted by city staff, and as may be revised or amended by a majority vote of the committee, and to make recommendations to the city council for the adoption.
 - b. The committee shall advise the city council on matters pertaining to financial affairs of the city.
 - c. The committee shall advise the city council on personnel issues as they relate to the budget.
 - d. The committee is kept apprised by city staff as to the status of union negotiations and union grievances. The representative from the public shall not participate in discussions regarding union negotiations and union grievances.

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- e. The committee shall perform such other duties as may be imposed by ordinances or the order of the mayor or city council.
- 2. City operations committee (parks, health and sanitation, street system, **Transportation Benefit District**, water and wastewater utilities, fire and police).
 - a. The committee is kept apprised by city staff on matters pertaining to parks; police and fire; refuse collection; sanitary conditions and health of the city; the conditions of roads, streets, alleyways, and parking facilities; and water and wastewater utility services and infrastructure.
 - b. The committee may recommend measures to the city council they deem proper for the betterment of the city.
 - c. The committee reports on matters referred to them by the mayor or the city council.
 - d. The committee is designated as the utilities comprehensive plan committee and shall represent the city on the multi-jurisdictional water and wastewater committee comprised of the jurisdictions of the city of White Salmon, City of Bingen and the Port of Klickitat which addresses water and wastewater utility services, including capital improvements, and utility service interlocal agreements existing or deemed necessary between the parties.
 - e. **The committee will act as the advisory committee to the Transportation Benefit District.**
- 3. Community development committee (~~annexations and real estate, tourism, business development, and housing~~) (**public property, tourism, business development, arts, culture and community engagement**).
 - a. The committee is kept apprised by city staff on matters pertaining to tourism and business development, including opportunities for enhancing tourism and business and its overall impact to the city.
 - b. The committee is kept apprised of the city's real properties within and adjacent to city limits and within the White Salmon urban growth area including existing and proposed use of such properties.
 - e. ~~The committee is kept apprised of existing and future annexation policies and the general impact of annexation to city infrastructure and municipal services.~~

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~~d. The committee is kept apprised of matters pertaining to housing developments and issues related to housing within and adjacent to the city limits and within the White Salmon urban growth area.~~

~~e.c.~~ The committee may recommend measures to the city council and/or the planning commission they deem proper for the betterment of the city.

~~f.d.~~ The committee reports on matters referred to them by the mayor or the city council.

4. Lodging tax advisory committee.

a. The lodging tax committee shall review proposals for changes in the hotel/motel tax authorized in Chapter 3.50, including increases or decreases in the rate of tax, the repeal of an exemption to the hotel/motel tax, or a change in the use of the monies accumulated in the Hotel/Motel Tax Fund, as required in RCW 67.28.1817.

b. The lodging tax committee may establish programs and procedures whereby parties may apply for grants from the Hotel/Motel Tax Fund for tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities. Any grants under such programs must be approved by the City Council.

c. Pursuant to RCW 67.28.1817, the lodging tax advisory committee shall review any proposal described in that section, and shall submit comments on the proposal, which comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the Hotel/Motel Tax Fund.

D. Committees – Meetings.

All committees will meet on an as needed basis. No official public comment will be taken at committee meeting and no legislative or quasi judicial decision making will take place at any committee meeting.

~~All committee meetings are presumed to be open and subject to the Washington Open Public Meetings Act (OPMA), RCW Chapter 42.30, if the committee is taking public testimony or comment or making decisions (adjudicative or legislative) on behalf of the council. Meetings that involve mere fact-finding, staff conferences and reporting to council without public testimony or comment are not typically subject to the OPMA.~~

2.20.020 Commissions.

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A. Creation or Establishment of Commissions.

Commissions shall be created or established as required by state statute with the consent of the city council.

B. Planning Commission.

1. Created - Membership.

There is created a city planning commission to be known as the "White Salmon City Planning Commission," pursuant to the provisions of RCW 35.63.020, et seq., which planning commission shall consist of five members to be appointed by the mayor and confirmed by the city council, and that not more than one-third of which number of appointees may be ex officio members by virtue of office held in the city, pursuant to the provisions of RCW 35.63.030. At least three members of the planning commission shall be residents of the ~~city~~ City of White Salmon. If a matter is scheduled to come before the city planning commission, and there is not a meeting held to consider the matter, the matter shall be referred directly to the city council at its next regularly scheduled meeting, which allows for proper notice as required by Washington statutes and city ordinances.

2. Appointment - Terms

Members of the planning commission shall be appointed or reappointed for terms of four years. All appointments and/or reappointments provided for herein shall be made by the mayor and confirmed by the city council. Upon the resignation or removal of any planning commission, the successor shall be appointed for the remainder of the unexpired term.

3. Powers and duties - Statutory authority.

There is vested in the planning commission the statutory powers as set forth under RCW 35A.63.020 and the following additional powers and duties:

~~a. — Hold public hearings and make final decisions concerning conditional use permits and variances to the zoning ordinance. In making final decision concerning conditional use permits, variances to the zoning ordinances, and home occupation permits, the planning commission shall be acting as the board of adjustment under Chapter 17.80 of the White Salmon Municipal Code.~~

ba. Hold public hearings and make findings and recommendations to the city council on subdivision applications, comprehensive plan amendments and zone changes.

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~~e. Give final written permission for home occupation permits under Chapter 17.56 of the White Salmon Municipal Code.~~

~~db.~~ The city council may refer to the planning commission for its recommendation and report, any ordinance, resolution, or other proposal relating to any of the matters and subjects referred to in Chapter 35.63 RCW, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper.

4. Operation.

- a. The planning commission shall elect its own chair and vice chair annually.
- b. The commission will have two regular monthly meeting dates upon which it will convene to do business as necessary in response to citizen or city council requests. Business shall be conducted in accordance with state law and rules adopted by the planning commission.
- c. Written record shall be kept of all meetings, transactions, findings, and determinations, which record shall be of public record.

C. Civil Service Commission.

1. Powers and duties.

- a. The civil service commission shall have all the powers of and perform each and all the duties specified by Chapters 41.08 and 41.12 RCW, together with any duties or authority which may hereafter be conferred upon them by the laws of the State of Washington; the performance of such duties and exercise of such authority to be subject to each and all limitations expressed in such legislative enactment or enactments.
- b. The civil service commission shall make general rules and regulations implementing this chapter and state laws relating to civil service commissions in cities.

2. Appointment of commissioners.

The mayor of the City of White Salmon shall appoint three commissioners with confirmation of the city council. The members of the civil service commission shall:

- a. Serve without compensation;

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- b. Be citizens of the United States;
- c. Be residents of the City of White Salmon for at least three years immediately preceding appointment;
- d. Be an elector of Klickitat County;
- e. Serve for a term of six years with multiple terms permissible;
- f. Devote due time and attention to the performance of the duties specified by this chapter and RCW Chapter 41.12.

3. Removal of commissioners.

A commissioner may be removed from office by the entity or official who appointed him/her, for incompetence, dereliction of duty, malfeasance in office, or other good cause: provided, however, that no member of the commission may be removed until charges have been preferred, in writing, due notice and a full hearing provided.

4. Quorum, voting, political parties.

Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for decision on all matters. At the time of any appointment, not more than two commissioners may be members of the same political party.

5. Exempted positions.

The position of chief of police is exempted from the classified civil service of the city per RCW 41.12.050.

3.20.030 Boards.

A. Creation or Establishment of Boards.

Boards shall be created or established as required by state statute or upon the recommendation of the mayor with the consent of the city council.

B. Tree Board.

1. Creation and Establishment of a City Tree Board.

A.

There is hereby created and established a City Tree Board for the City of White Salmon, Washington which shall consist of five members, two of which shall be city council members and three shall be citizens and residents at large of this city, who shall be appointed by the mayor with the approval of the city council.

2. Term of Office.

The term of the five persons to be appointed by the mayor shall be three years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

3. Compensation.

Members of the board shall serve without compensation.

4. Duties and Responsibilities.

It shall be the responsibility of the board to study, investigate, develop, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees **with a trunk diameter larger than 8 inches** and shrubs **with a trunk diameter larger than 8 inches** in parks, along streets and in other public areas. Such plan shall be reviewed and/or updated biannually, or as needed. All revisions shall be presented to the city council for acceptance and approval and thereafter shall constitute the official comprehensive city tree plan for the City of White Salmon, Washington.

The board, when requested by the city council, shall consider, investigate, make findings, report, and recommend upon any special matter of question coming within the scope of its work.

5. Operation.

The board shall choose its own officers, make its own rules and regulations **that shall be approved by the city council**, and keep a journal of its proceedings. **A city staff member will attend and support all meetings. The board shall meet on an as needed basis. A majority of the members shall be a quorum for the transaction of business. The city tree board shall be considered a public agency and shall observe the laws relating thereto, primarily those set forth in the Washington Open Public Meetings Act, RCW Chapter 42.30 and the Washington Public Records Act, RCW Ch. 42.56.**

C. CityLab Board.

1. Purpose and intent.

A.

The City of White Salmon is committed to cultivating and preserving a community that emphasizes inclusion and connectedness. The collective sum of the individual differences, life experiences, knowledge, innovation, self-expression and connections that our residents invest into building this community represents the level to which the city engages with and empowers its residents. The board will serve as a vehicle to harness this collective energy towards continually focusing policy proposals and initiatives back to achieving the core aims as outlined in the Comprehensive Plan and other visioning documents adopted by the City Council, such as the Climate Crisis Resolution (Resolution 2021-03-517), Diversity Resolution (Resolution 2019-06-489) and AARP Network of Age-Friendly States and Communities Membership.

The city wants feedback and input in considering how all citizens within the community are impacted by decisions of the City, including black, indigenous, and persons of color, who have historically been missing from civic engagement. The City of White Salmon values diversity and creating an inclusive community where all residents are treated fairly and equitably.

2. Definitions.

- a. “City of White Salmon” is defined as the area within the established city limits of the City of White Salmon.
- b. “White Salmon Urban Exempt Area” is defined as the area outside the city limits of the City of White Salmon, and defined by the Columbia River Gorge National Scenic Area Act.
- c. “Columbia Gorge Tribal Representative” is defined as a member of one of the following tribes: Confederated Tribes of the Warm Springs, Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and the Confederated Tribes of Umatilla Indian Reservation.
- d. “High School Student” is defined as a high school in the White Salmon Urban Exempt area that supports both the City of White Salmon and the White Salmon Urban Exempt Area.

3. Creation and establishment of a CityLab board.

There is, hereby, created and established a CityLab Board for the City of White Salmon, Washington, which shall consist of up to 10 members, two shall be city council members and three City of White Salmon residents. The remaining five members can consist of residents in the White Salmon Urban Exempt Area, Columbia Gorge tribal representatives, High School Students, or other regionally appropriate stakeholders. All shall be appointed by the mayor with the approval of

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the council. Any member may be removed from the board with a recommendation from the mayor and the approval of the council.

4. Term of office.

The term of the ten persons to be appointed by the mayor shall be two years. A High School Student representative could be a one- or two-year term (Junior or Senior). In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for a two-year term.

5. Compensation.

Members of the board shall serve without compensation.

6. Duties and Responsibilities.

- a. It shall be the responsibility of the board to take direction from the Mayor and/or City Council on items the board may study, investigate, or provide guidance in order to develop and recommend ordinances, resolutions, and/or building code changes that support the adopted Comprehensive Plan and other visioning documents approved by the City Council. The Board will operate under a clear Scope of Work or Outline that will be amended as needed.
- b. All recommendations will consider how all citizens within the City are impacted, including black, indigenous, and persons of color, and persons of all abilities.
- c. All recommendations will be routed to the city council or the planning commission based on staff recommendation.
- d. The CityLab Board, when requested by the mayor or the city council, shall consider, investigate, make findings, report, and recommend upon any special matter of question coming within the scope of its work.

7. Operation.

The board shall select a chairperson, ~~and keep a record of its proceedings. The board shall meet at least quarterly but no more than monthly. The CityLab Board will meet on an as needed basis. A majority of the members shall be a quorum for the transaction of business.~~ A city staff member will attend and support all meetings. ~~The CityLab Board shall be considered a public agency and shall observe the laws relating thereto, primarily those set forth in the Washington Open Public Meetings Act, RCW 42.30 and the Washington Public Records Act, RCW 42.56.~~

D. Board of Appeals.

1. Purpose and intent.
 - a. All properly filed appeals pursuant to the adopted building codes in WSMC [Title 15](#) shall be heard by the board of appeals created by this code. The board shall have no authority to review administrative decisions or grant modifications to the provisions of any administrative chapter as adopted by [Title 15](#), nor can the board waive a code requirement.
 - b. The board of appeals shall hear appeals from the building official's interpretation of the adopted building codes, determinations of suitable alternative methods and materials, and any other appeal delegated to a board of appeals pursuant to the state building codes, including but not limited to the International Building Code, the International Residential Code, the International Mechanical Code, the Uniform Plumbing code, the International Fire Code, the Ventilation and Indoor Air quality code, the Washington State Energy code, the Uniform Code for the Abatement of Dangerous Buildings, and any and all other codes adopted pursuant to the direction and authority of Chapter 19.27 RCW.
 - c. The provisions of the state building codes as adopted by the city are not intended to prevent the use of any material, alternate design of construction not specifically prescribed by those codes, provided any alternative has been approved and its use authorized by the building official or on appeal or request for review by the board of appeals.
 - d. In the event that there is an inconsistency between the terms of the building codes adopted by the city and the terms of this code, the terms in this code shall prevail.
2. Creation and establishment. There is hereby established a City of White Salmon Board of Appeals to consist of three members who are qualified by experience and training to pass upon any order, decision or determination of the city building official. The technical expertise of board members shall be supplied through training or experience as an architect, builder, general contractor, developer, fire inspector, mechanical engineering, electrician, plumber, or structural engineer. The board members shall be active, practicing members of one of the prior listed disciplines or professionals and shall reside in Klickitat or Skamania County.
3. Term of office. The members shall be appointed by the mayor and approved by the city council upon application duly made and presented and shall serve for a term of three years.
4. Board of appeals procedures.
 - a. The board of appeals shall convene at such time as it is necessary to address matters to be heard under WSMC [Section 15.04.025](#) and IBC Section 113.

A.

- b. Executive sessions. Executive sessions of the board may be called pursuant to the State Open Public Meetings law by the chair or vice chair of the board and are not open to the public.
 - c. Public notice. Public notice shall be given of all meetings. No hearing shall be scheduled until fifteen calendar days after the required hearing notifications are mailed. Meetings are open to the public.
 - d. Department/interested party. At any public meeting, representatives from the city and any other interested party may appear in person, by agent or by attorney, offer evidence and testimony and cross-examine witnesses. All evidence and testimony shall be presented publicly. The board may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider relevant facts within the personal knowledge of any member of the board that are stated into the record by such member.
 - e. Recording. All meetings before the board shall be recorded.
 - f. Compensation. The board shall receive no compensation regardless of the number or type of cases heard.
 - g. Removal. Board members shall be removed from office by the city council prior to the end of their terms for just cause. Any member who is unavailable for three consecutive appeal hearings shall be automatically removed.
 - h. Conflict of interest. Members with a material or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters. The appearance of fairness doctrine as now codified or as hereafter amended by the state of Washington shall apply to board proceedings.
5. Power and duties of the board.
- a. The board may adopt rules and procedures governing all proceedings consistent with the provisions set forth herein. The rules and regulations may include meeting location, meeting time, procedures, content of a complete appeal application and time to be allotted for each case.
 - b. Burden of proof.
 - i. The appellant bears the burden of proof in any proceeding before the board. If there is insufficient evidence of compliance with any of the provisions of the code or evidence that any material or construction does not conform to the requirements of the code, the appeal from the building official shall be denied.
 - ii. The board may continue any proceeding in order to permit the appellant to provide proof of compliance through tests conducted in accordance with general engineering practice and best scientific evidence. Such tests shall be made by the appellant and at no expense to the city. Test methods shall be as specified by the applicable building code or by other recognized testing standards. If there are not recognized and accepted test methods for the

A.

proposed alternate, testing method shall utilize generally accepted engineering practice and best scientific method. Reports of such tests shall be retained and made a part of the record of the proceedings.

- c. Decision of the board.
 - i. The board shall render formal written decisions within fifteen business days of the date of the hearing. Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The building official shall take immediate action in accordance with the decision of the board.
 - ii. Copies of the decision shall be forwarded to the appellant, or their attorney of record, a copy shall be placed in the appeal file and copies shall be made available to any person as a matter of public information. Decisions shall be filed with the building department as a matter of public record.
- d. Appeals from decisions of the board.
 - i. The filing of a land use petition for review shall not stay proceedings upon the decision appealed, but the court may grant a stay in accordance with the Land Use Petition Act.
 - ii. All decisions of the board may be appealed pursuant under the Land Use Petition Act to the Klickitat County Superior Court.

SECTION 2. White Salmon Municipal Code Chapter 2.21 – Hearing Examiner is amended as follows:

Chapter 2.21 - HEARING EXAMINER

2.21.010 - Created—Powers and duties.

A. There shall be a hearing examiner for the city. Known as the "City of White Salmon Hearing Examiner," the position is established to provide an efficient and effective administrative adjudicatory system for acting upon quasi-judicial matters and reviewing contested administrative determinations.

~~**B. Except for amendments to the comprehensive plan, zoning code or zoning map, the hearing examiner may be empowered to hear and decide any adjudicative land use proceeding or appeal arising from White Salmon Municipal Code Titles 16, Land Divisions, 17, Zoning, and 18, Environment.**~~

B. Pursuant to RCW 35A.63.170, the City of White Salmon Hearing Examiner is vested with the authority to:

A.

- i. Hold public hearings and make final decisions concerning conditional use permits and variances to zoning ordinances. In making final decisions concerning conditional use permits, variances to the zoning ordinances, and home occupation permits, the hearing examiner shall be acting as the board of adjustment under Chapter 17.80 of the White Salmon Municipal Code.
- ii. Except for amendments to the comprehensive plan, zoning code or zoning map, the hearing examiner may be empowered to hear and decide any adjudicative land use proceeding or appeal arising from White Salmon Municipal Code Titles 16, Land Divisions, 17, Zoning, and 18, Environment.

- C. When performing its role as the city's adjudicative or appellate authority, the hearing examiner shall have the same powers and duties as are granted to the adjudicative or appellate authority the hearing examiner is empowered to replace.
- D. The hearing examiner shall adopt rules concerning procedures for scheduling and conduct of hearings and as otherwise related to the duties of the office, not inconsistent with the terms of this chapter.

2.21.020 - Appointment—Removal.

- A. The hearing examiner shall be appointed by the mayor and confirmed by the council. Appointments may occur on a case-by-case basis or for longer terms not to exceed three years.
- B. The party appointed to serve the city in this role must be an experienced attorney, with expertise presiding over hearings often involving private citizens without counsel, in matters typically addressing land use, planning, code enforcement, and development issues. The examiner must be familiar with due process, appearance of fairness rules, applicable Washington State law and become familiar with the City of White Salmon development codes and other relevant codes, ordinances, regulations and policies.
- C. The hearing examiner may be removed by the council at any time. Upon request of the hearing examiner proposed for removal, the council may hold a hearing on the removal before it becomes effective.
- D. Vacancies in the hearing examiner position shall be filled as soon as possible.

2.21.030 - Optional use of hearing examiner.

A.

After consultation with the planning administrator, the council may, in its discretion, elect to use the hearing examiner in lieu of the council, planning commission, or board of adjustment for adjudicative or appellate land use proceedings. Except regarding decisions below, code provisions relating to the council, to the planning commission, or to the board of adjustment as an adjudicative body (including on remand) shall be construed as including the alternate use of the hearing examiner, where applicable.

2.21.040 - Challenges to optional use of hearing examiner.

- A. Prior to any hearing on a matter, a party may file an affidavit, which is a sworn statement in writing and under oath, challenging the city council's optional use of the hearing examiner.
- B. The hearing examiner shall rule on the affidavit prior to making other rulings and prior to the hearing.
- C. The hearing examiner may remand the matter back to the city council to reconsider the use of the adjudicative or appellate authority the council originally empowered the hearing examiner to replace.

2.21.050 - Conflict of interest.

The hearing examiner shall not conduct or participate in any hearing or decision in which they have a direct or indirect personal interest, which might exert such influence upon the examiner that might improperly interfere with the decision-making process. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict and the examiner shall abstain from any further proceedings in the matter unless all parties agree in writing to have the matter heard by that hearing examiner.

2.21.060 - Disqualification of hearing examiner.

- A. Prior to any hearing on a matter, a party may file an affidavit, which is a sworn statement in writing and under oath, stating that such party cannot have a fair and impartial hearing by reason of the hearing examiner's personal bias or prejudice.
- B. The hearing examiner shall rule on the affidavit only after ruling on a challenge brought under [Section 2.21.050](#), above and prior to making other rulings and prior to the hearing.
- C. The hearing examiner may enter an order of disqualification to in the event of personal bias or prejudice or to preserve the appearance of fairness.

A.

2.21.070 - Legal counsel for hearing examiner.

General legal advice to the hearing examiner will be provided by the city attorney, except that in a contested case where the city will be represented by the city attorney, the mayor with input from the city council may appoint independent counsel to render legal advice to the hearing examiner, the cost of which shall be borne by the city.

2.21.080 - Noninterference in performance of duties.

No person shall attempt to interfere with or improperly influence the hearing examiner in the performance of designated duties. This provision shall not prohibit the city attorney from providing legal advice to the hearing examiner.

2.21.090 - Decisions—Hearing examiner conduct.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of the hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

2.21.100 - Decisions—Finality and appeals.

The action by the hearing examiner on a matter shall be final and conclusive unless an appeal is timely filed in accordance with RCW 36.70C, Judicial Review of Land Use Decisions.

2.21.110 - Fees.


Each application brought before the hearing examiner shall be accompanied by payment of a fee which shall be set by resolution of the city council.


SECTION 3 – SEVERABILITY. If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Chapter.


SECTION 4– EFFECTIVE DATE. This ordinance shall take effect five days following the date of its publication by summary.

A.

Passed by the **PASSED** by the City Council of the City of White Salmon at a regular meeting this 20th day of December 2023.

DocuSigned by:

361DCEFE8E64421...
Marla Keethler, Mayor

ATTEST:
DocuSigned by:

F5160DB6A85C4B3...
Stephanie Porter, Clerk/Treasurer

APPROVED AS TO FORM:
DocuSigned by:

8D43A75E83504E9...
Shawn MacPherson, City Attorney

File Attachments for Item:

B. 2024 Legislative Priorities

1. Presentation
2. Discussion
3. Action



COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:	No, unnecessary
Meeting Date:	January 3, 2024
Agenda Item:	2024 Legislative Priorities
Presented By:	Marla Keethler, Mayor

Action Required:

Determine council's legislative priorities before the 2024 session convenes in Olympia.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to adopt White Salmon's 2024 Legislative Priorities as (listed herein)

Explanation of Issue:

Each year the City Council adopts Legislative Priorities in order to effectively advocate in a coordinated way for key issues or projects being pursued at the state level. These priorities are also used to prioritize state public hearings that the city may participate in regarding proposed legislation.

Included for reference are the Association of Washington Cities' 2024 Legislative Priorities. Typically the city council will endorse some or all of those same priorities. The city is not pursuing any special funding requests for the 2024 session, but does anticipate pursuing a request in the 2025 session for one of our identified "Community Center" projects (reference 2023 study completed by ARC Architects). The White Salmon Valley Metropolitan Park Pool District is pursuing a funding request in 2024, and in the past the city has joined their advocacy efforts in support of funding a new pool. In previous years the city has continued to identify the Hood River White Salmon Bridge Project as a legislative priority. Currently, Washington state has committed the most funding of all the project funding partners, and an additional new funding ask is not anticipated in 2024.

In the 2023 session, the City spoke in public hearings for legislation proposed to increase the 1% property tax limit, as well as affordable housing.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Refer this issue back to staff for additional work.
4. Take No Action
5. Other action as desired by council.

Fiscal Analysis:

No fiscal impact to the legislative priorities. Money is allocated in the adopted 2024 budget to account for travel, if necessary, to Olympia by either the mayor, staff, or city council for advocacy.

Recommendation of Staff/Committee:

The administration supports all of AWC's 2024 Priorities, as well as advocating for the WSVMPD funding request. Additional areas of focus that seem beneficial would be to ask for continued funding for housing implementation/planning grants through Commerce, as well as programs like CHIP (Connecting Housing to Infrastructure Program) to receive future funding cycles. Expanding access to affordable, quality childcare would also be a legislative priority that aligns with our adopted city priorities for 2024.

2024 City Legislative Priorities

Strong cities make a great state. Cities are home to 65% of Washington's residents, drive the state's economy, and provide the most accessible form of government. Cities' success depends on adequate resources and local decision-making authority to best meet the needs of our residents.

Washington's 281 cities ask the Legislature to partner with us and act on the following priorities:



Help recruit and retain police officers for public safety

Provide additional funding tools and resources for officer recruitment and retention to improve public safety. This includes updating the existing local option Public Safety Sales Tax to allow implementation by councilmanic authority and greater flexibility for using the funds to cover increased officer wages and related programs like behavioral health co-response teams.

Expand access to state-mandated training. In particular, continue increasing the number of classes for the Basic Law Enforcement Academy (BLEA) and expanding the new regional academies. Getting new officers on the street faster supports recruitment and retention, thus improving public safety outcomes in our communities.



Revise the arbitrary property tax cap

Revise the arbitrary 1% property tax cap that has been in place for more than 20 years. Tie the tax to inflation and population growth factors with a new cap not to exceed 3%. This allows local elected officials to adjust the local property tax rate to better serve our communities and keep up with the costs of providing basic services like police, fire, streets, and valued community amenities like parks. The current 1% cap has created a structural deficit in cities' revenue and expenditure model, causing reliance on regressive revenues and artificially restricting the ability of property taxes to fund critical community needs.



Continue investing in infrastructure

Continue strong state investments in infrastructure funding to support operations and maintenance of traditional and non-traditional infrastructure like drinking water, wastewater, and broadband. Expand funding options that support state and local transportation needs with emphasis on preservation and maintenance to prevent expensive replacement and repairs. Improve access to Climate Commitment Act funding, including direct distributions, for city priorities that support carbon reduction and climate resiliency.



Provide behavioral health resources

Create greater access to behavioral health services to include substance use disorder treatment and dual diagnosis treatment facilities. Support continued state funding for cities to help communities establish alternative response programs like co-responder programs, diversion programs, and others that provide options beyond law enforcement to assist individuals experiencing behavioral health challenges.

AWC's advocacy is guided by these core principles from our Statement of Policy:

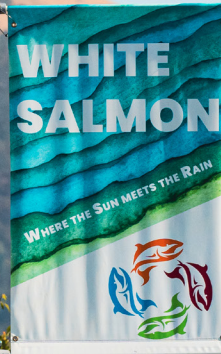
- Local decision-making authority
- Fiscal flexibility and sustainability
- Equal standing for cities
- Diversity, equity, and inclusion
- Strong Washington state partnerships
- Nonpartisan analysis and decision-making

Contact: **Candice Bock**
Government Relations Director
candiceb@awcnet.org



2023 PRIORITIES

In the interest of addressing critical local issues, we support the legislative efforts outlined below.



INFRASTRUCTURE

Modernizing and maintaining our aging water delivery system and streets is an increasing burden on our limited city budget. At the same time, the viability of our rural community also depends on strong **community** infrastructure: childcare, public transit, and multi-modal transit. We believe a focus on the below areas is key:

PRIORITIES

- White Salmon commends the Legislature for the passage of the **Move Ahead Washington (MAW)** package. As the Legislature begins implementation of MAW and considers future investments, the City requests that the funding provided for the **Hood River-White Salmon Bridge** be pushed forward as early as possible.

Why this bridge matters:



- Fully fund the **Public Works Assistance Account**, and expand state funding opportunities to assist with the **maintenance and operations of local infrastructure**.
- Strong infrastructure enables community growth and economic development. **Affordable access to quality childcare** is just as critical as functioning roads and water systems. We encourage increased income thresholds under the Working Connections Child Care plan, as well as new policy initiatives and **funding to support childcare providers and working families**.

White Salmon also supports the legislative priorities of the Association of Washington Cities.

OVERVIEW

A small community in a non-GMA county, White Salmon is not immune to the burdens felt by our urban neighbors, yet often struggles to access the same funding opportunities. Affordable housing, aging infrastructure, and funding for key local projects are necessary to ensure long-term resilience.

HOUSING

Our 2020 Urbanization Study showed that housing demand within western Klickitat County is expected to account for nearly 60% of the county's total demand for housing. A lack of buildable land and limited or no water/sewer infrastructure capacity in most of western Klickitat means White Salmon is confronting strong market interest & development pressure. We need diverse housing that includes affordable rental and ownership opportunities to ensure the long-term viability of our community, schools, and businesses.

- Provide additional **funding for subsidized housing** with relaxed grant requirements, and no GMA limitations.
- Provide additional funding for the **Connecting Housing to Infrastructure Program**.

WSVPMPD POOL

The City continues to partner with the White Salmon Valley Pool Metropolitan Park District to realize construction of a new community pool. We support their **capital funding request** to ensure our residents (of which 38% are asset limited and income constrained) have access to learning a critical life-skill.

B.



2022 IN REVIEW

Despite significant resources and time spent on rebuilding the administration's leadership and approach to providing services, the city still realized many key goals and objectives to move us closer to the 2040 vision outlined in our comprehensive plan - especially in the areas of infrastructure and housing.

PLANNING

The city emphasized strategic planning in 2022 to better prioritize the needed investments for improving capital and community infrastructure. This focus extended across all departments, from better emergency response considerations to parks and childcare.

WATER SYSTEM

The city successfully pursued two major loans from the state Public Works Board to implement needed water system improvements in 2023; these projects will support needed development and address system deficiencies. These projects account for a portion of the known \$21.9M in modernization efforts needed in the next 5 years.

Phase I
\$1.85M*
 Mainline
 Project

N. Main St.
\$1.9M
 Pressure
 Zone

*Project has an additional \$3.3M in USDA RD funding.



20-yr Outlook

In addition to near-term modernization projects estimated to cost nearly \$22M, an additional \$22.8M has been identified in projects needed before 2042 to support known growth.



SCADA

Implementing a comprehensive Supervisory Control and Acquisition System (SCADA) is a priority for 2023; this will not only improve response times but enhance system safety & security.

01

TRANSPORTATION SYSTEM

Plan update est. Spring 2023 completion; TIB grant for nearly \$300k in chip/seal projects; multi-modal projects to enhance the new bridge identified for pursuit of WSDOT and RAISE funds.

02

PARKS SYSTEM

New plan adopted; identifies 5 acres in needed additional green space by 2043 as well as trail/recreation enhancements.

03

EMERGENCY RESPONSE: FIRE

Formed a citizen task force with KC FD 3 to do a cost/benefit analysis of consolidated services; est. Winter 2023 completion.

04

COMMUNITY CENTER

Conducting an evaluation of existing facilities to provide community needs, especially a new youth center location.

HOUSING

- Received \$25k through Dept. of Commerce to create a Housing Action Plan; estimated completion Spring 2023.
- Implemented new short-term rental regulations to support primary homeowners while discouraging investment home-ownership solely for STR purposes.
- Partnered with Columbia Cascade Housing Corporation to realize a CDBG grant for a Regional Housing Rehabilitation Program for low-income residents.
- Code revisions for planned developments to support diverse housing; additional housing code revisions planned for 2023.

File Attachments for Item:

C. Resolution 2024-01-582 Providing Time and Place for Public Hearing of Easement Vacation

1. Presentation

2. Discussion

3. Action



COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:
Meeting Date:
Agenda Item:

Yes, Completed
January 3, 2023
Resolution 2024-01-582 Setting Time and Place for Public Hearing concerning a Street Vacation
Stephanie Porter, Clerk Treasurer

Presented By:

Action Required:

Review and potential motion to adopt Resolution 2024-01-582 SETTING A PUBLIC HEARING CONCERNING THE PROPOSED VACATION OF A PORTION OF CITY OWNED PROPERTY AT AN UNDEVELOPED PUBLIC RIGHT OF WAY.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to adopt Resolution 2024-01-582 SETTING A PUBLIC HEARING CONCERNING THE PROPOSED VACATION OF A PORTION OF CITY OWNED PROPERTY AT AN UNDEVELOPED PUBLIC RIGHT OF WAY.

Explanation of Issue:

The City received a Right of Way Vacation Application for a property off SE 7th Avenue and SE Mansfield Street. (Map is attached.)

Per RCW 35.79.010 “The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the legislative authority to make a vacation, giving a description of the property to be vacated, or the legislative authority may itself initiate by resolution such a vacation procedure. The petition or resolution shall be files with the city or town clerk and if the petition is signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated, legislative authority by resolution shall fix a time and when the petition will be heard and determined by such an authority or a committee thereof, which time shall not be more than sixty days nor less than twenty days after the passage of such resolution.”

The applicant has provided a petition signed by the owners of more than two-thirds of the property abutting upon the part of such street or alley sought to be vacated.

The city council must now set a time and place for the public hearing of the petition no more than 60 days and no less than 20 days after passage. The proposed public hearing date is February 21, 2024. (50 days)

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

No fiscal implications at this time.

DEI & Stakeholder Analysis:

This change does not have a direct affect on DEI goals.

Policy & Plan Implications:

There are not Policy implication with this action.

RESOLUTION 2024-01-582

A RESOLUTION SETTING A PUBLIC HEARING CONCERNING THE PROPOSED VACATION OF A PORTION OF CITY OWNED PROPERTY AT AN UNDEVELOPED PUBLIC RIGHT OF WAY, LOCATED BETWEEN TAX LOT NUMBERS 03113077031600, 03113077031200, AND 03113077031700, AND ABUTTING TAX LOT 03113077031100, ON SE 7TH AVENUE; ACROSS FROM MANSFIELD STREET, IN WHITE SALMON, WASHINGTON.

WHEREAS, the City has received a request from the owner of Syncline Land Co.,LLC to vacate a portion of city owned property at an undeveloped public right of way, located between Tax Lot Numbers 03113077031600, 03113077031200, and 03113077031700, and abutting tax lot 03113077031100, on SE 7th Avenue; across from Mansfield Street, in White Salmon, Washington; and

WHEREAS, the portion of property at an undeveloped public right of way, located between Tax Lot Numbers 03113077031600, 03113077031200, and 03113077031700, and abutting tax lot 03113077031100, on SE 7th Avenue; across from Mansfield Street, in White Salmon, Washington is located on the west side of SE 7th Ave; and

WHEREAS, a 30-foot sewer easement shall remain on the vacated property for the City to access the sewer line which runs through the property; and

WHEREAS, the Council of the City of White Salmon desires to initiate vacation proceedings for the property to be vacated; and

WHEREAS, it is necessary for the Council to fix a time and place for a public hearing to be held on the proposed street vacation;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHITE SALMON, WASHINGTON, as follows:

Section I:

The Council of the City of White Salmon does hereby initiate proceedings to vacate the following described portion of property located at SE 7th and SE Mansfield St as described in Exhibit "A", attached hereto and by this reference incorporated herein.

Section II:

A public hearing shall be held on the proposed vacation on the 21st day of February 2024, at 6:00 p.m., in the Council Chambers.

Section III:

The City Clerk is directed to give twenty (20) days notice of the hearing by posting written notice in three of the most public places in the City of White Salmon, by posting a like notice on the portion of the streets to be vacated, and by mailing notice to the abutting property owners at least fifteen (15) days prior to the date of hearing.

ADOPTED at a regular session of the City Council of White Salmon this 3rd day of January, 2024.

CITY OF WHITE SALMON, WASHINGTON

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk/Treasurer

Shawn MacPherson, City Attorney



EXHIBIT 1

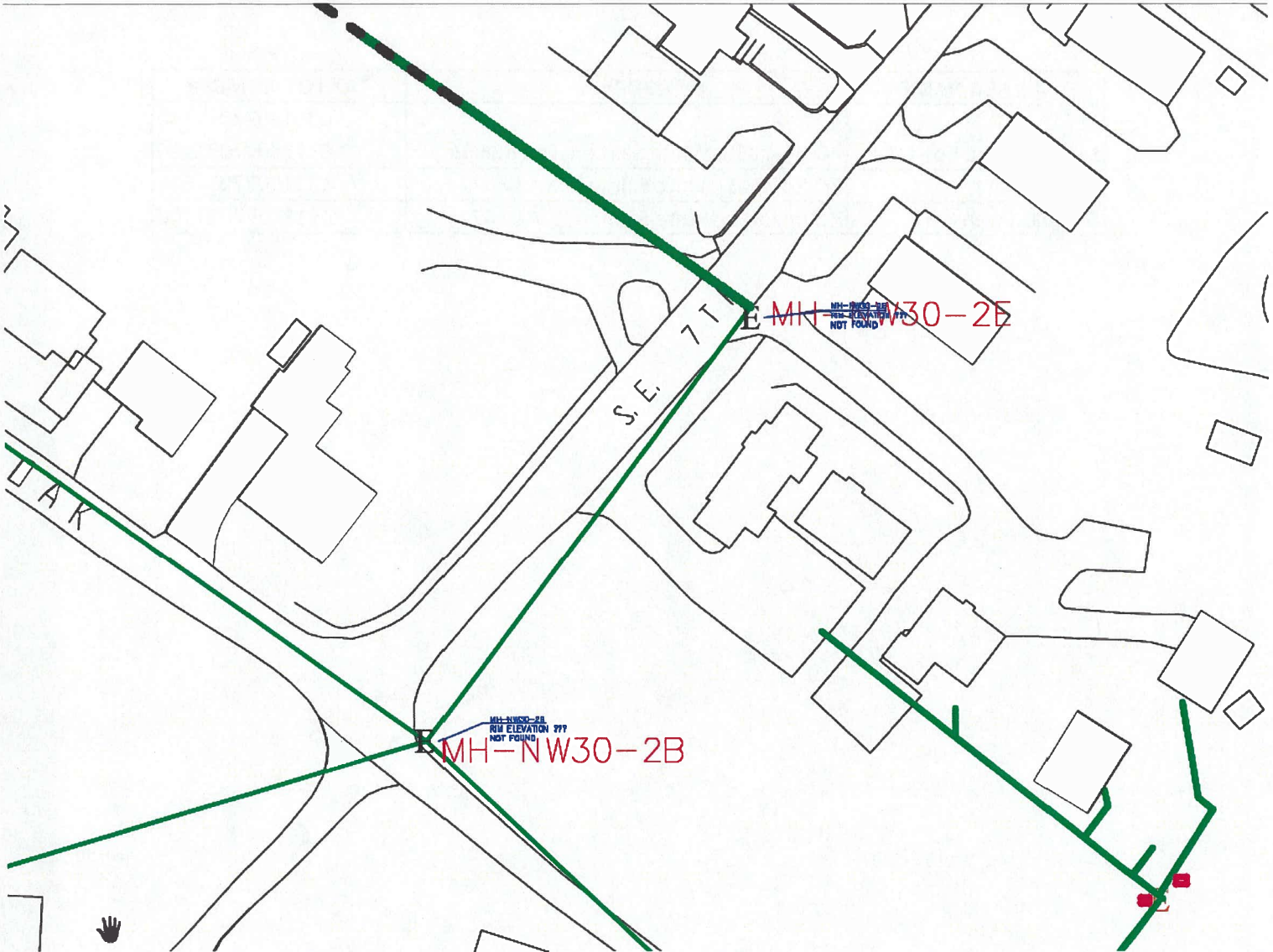


EXHIBIT 2

File Attachments for Item:

D. Approval of Scope of Work -Heritage Tree Ordinance - DCG | Watershed Group



COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:

No, Unnecessary

Meeting Date:

January 3, 2023

Agenda Item:

Approval of Scope of Work -Heritage Tree Ordinance -

DCG |Watershed Group

Presented By:

Stephanie Porter, Clerk Treasurer

Action Required:

Review and motion to authorize mayor to sign Scope of Work providing Heritage Tree Ordinance planning services with the On Call Planning Firm DCG |Watershed Group.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to authorize mayor to sign Scope of Work providing Heritage Tree Ordinance planning services with the On Call Planning Firm DCG |Watershed Group in an amount not to exceed \$17,189.

Background of Issue:

The City Council approved Ordinance 2023-11-1152 amending the Critical areas ordinance to remove Heritage Trees and Ordinance and 2023-11-1153 Creating WSMC 18.40 Heritage Trees.

The City of White Salmon has been working on revising the Heritage Tree Code for multiple years through the Tree Board and staff.

Explanation of Issue:

The scope of work proposed by DCG Watershed and the Planning Department would allow a designated time frame to address and complete the desired changes to the Heritage Tree Ordinance.

The Scop includes options for Public Outreach and Presentation as Tree Board and Council Meetings. The council may amend these items to lower the overall cost of the work is so desired.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

The 2024 budget does not currently account for this expense.

A budget amendment in the amount of \$17,189 will need to be approved by council with the first budget amendment of 2024.

DEI & Stakeholder Analysis:

This change does not have a direct affect on DEI goals, With the removal of Heritage Trees from the Critical Areas Ordinance, this additional review and update of the Heritage Tree Code with benefit the residents of White Salmon in providing a more clear and equitable process of how Heritage Trees will be handled between City and property owners.

Policy & Plan Implications:

With the removal of Heritage Trees from the Critical Areas Ordinance, this additional review process with benefit the residents of White Salmon in providing a more clear and equitable process of how Heritage Trees will be handled between City Staff and property owners.

Recommendation of Staff/Committee:

Staff recommends authorizing the mayor to sign Scope of Work providing Heritage Tree Ordinance planning services with the On Call Planning Firm DCG |Watershed Group in an amount not to exceed \$17,189.

**AMENDMENT #1
TO
PERSONAL SERVICES CONTRACT
FOR
ON CALL PLANNING SERVICES**

WHEREAS, the Personal Services Contract between The City of White Salmon and The DGC/Watershed Inc, fully executed the 20th day of December, 2023, allows for amendments to the general scope of the Agreement and the services to be performed; and

WHEREAS, The City of White Salmon desire revisions to the Heritage Tree Code; and

WHEREAS, the amendment to the Personal Services Contract will enhance the services provided to the City, to the betterment of the residents of the City of White Salmon.

NOW, THEREFORE, the following Amendments shall add the Scope of Work Provided in Exhibit A and Exhibit B in an amount not to exceed \$17,189.

All other terms and conditions within the Agreement shall remain the same.

Approved by the Contractor: _____
Signature Date

Approved by the City: _____
Signature Date

ATTACHMENT A

WHITE SALMON HERITAGE TREE ORDINANCE

SCOPE OF WORK

Task 1: Public Engagement

DCG/Watershed will prepare an online open house for City staff to link to, providing opportunities for residents to better understand the need for the update, timing for receiving public comment, a review the project schedule in context to the overall proposed amendments to the heritage tree ordinance (White Salmon Municipal Code Chapter 18.40). This effort will borrow from previous tree code updates we've been a part of for other jurisdictions as a cost savings to the City, creating an appropriate domain and 'go-live' hosting timeframe for the length of the project. Outreach messaging will also be included for re-use on social media platforms.

Task 2: Adoption Process, including Public Meeting Attendance, Staff Memos & Technical Feedback

DCG/Watershed will support City staff in preparation of needed public noticing materials, including a SEPA Checklist, staff memos to support Planning Commission and Council objectives for this update, and technical feedback (where requested). A total of four public meetings (all to be attended virtually) is anticipated:

- One Tree Board meeting
- Two Planning Commission meetings, a Public Hearing and Recommendation to Council
- One City Council Public Hearing

Contingency tasks (as necessary) include:

Task 2a – As requested by City staff, DCG/Watershed ISA-Certified Arborists will review proposed Planning-Commission drafted code amendments and provide supporting recommendations and best practices in alignment with the City's comprehensive plan and supporting master plan efforts in a technical memo to further the heritage tree ordinance adoption effort. This effort is limited to 20 hours of arborist time in preparing this memo.

Task 2b – This includes a public comments response matrix, limited to 20 hours of arborist support staff time.

These contingency tasks amount to \$6,700.

Task 3: Ordinance Formatting

DCG/Watershed will format the amended new Heritage Tree chapter into ordinance form, including coordination with the City attorney (as needed) for City Council adoption.

ATTACHMENT B

WHITE SALMON HERITAGE TREE ORDINANCE

COMPENSATION

Task #	Task	Total Hours	Total Cost
Public Engagement			
1	Establish Online Open House for public outreach (via squarespace.com)	28	\$3,895
	<i>Website domain purchasing cost, host for 6 months</i>	-	\$500
Response to Public Comments			
2	SEPA Checklist, meeting attendance (4 virtual meetings)	28	\$4,648
<i>2a^</i>	<i>Arborist Technical Memo</i>	<i>20</i>	<i>\$3,348</i>
<i>2b^</i>	<i>Response to public comments</i>	<i>20</i>	<i>\$3,348</i>
Ordinance Formatting			
3	Formatting two ordinances for City Council approval, capturing amendments from task 2	10	\$1,450
Total			\$10,493
Total with Contingency task 2a & 2b			\$17,189

^Only as requested by City staff, or as needed depending on public comment responses necessary to achieve adoption

File Attachments for Item:









A. Department Head Reports







PUBLIC WORKS DEPARTMENT

Meeting Date: 1/3/24
Presented By: Andrew Dirks





Daily Operations / What's Happening:

-  First of the month requirements:
-  Meter Reading, Reporting and Samples
-  WUE Report
-  PFAS Sampling
-  Weekly Planning updates
-  Development team meetings
-  Plan Review
-  Weekly Anderson Perry Project Update Meetings





Current Projects:

-  Multiple water leak repairs on Childs Rd. There is a 3/4" waterline that feeds two houses. There have been 4 repairs since July on this line and we will be replacing the line this week.
-  Leak repair on Sterling Blvd
-  Shipping the pump A VFD in for repair
-  Servicing heavy equipment for winter

Upcoming Projects:

-  Re-locating two water services on Childs Road
-  Jewett Manhole Project
-  SCADA Upgrades
-  Light Pole at City Hall


Completed Projects:

-  3 water leaks
-  Painting/New furniture at City Hall
-  Baby Changing Stations at the Park Restrooms
-  Install of the donated bench downtown


Upcoming Trainings:

-  2 Operators going to the Evergreen Rural Water Conference in February

Completed Trainings

-  1 Operator attended Oregon Association of Water Utilities Conference (CEU's count for Washington)

Updates for the Community / Upcoming Events:

-  Be aware of snowplows and allow them the right of way.



DEPARTMENT REPORT FINANCE / CLERK

Meeting Date: January 3, 2024
Presented By: Stephanie Porter, Clerk Treasurer

Daily Operations / What's Happening:

- **Public Records Request** – 4 request this period
- **Daily Reconciliation**
- **Quarterly Taxes**
- **Monthly reporting and taxes** - Next due in January 2024
- **Send Ordinances to Municode for code update.**
- **Reviewing Utility Adjustment**
- **Review and approve Utility Billing**
- **Review and Approve Accounts Payable**
- **Record Retention**
- **Grant quarterly reporting**
- **Working with Anderson Perry** regularly for USDA contractor reimbursements-tracking for the Main line Phase 1 Project.
- **One-Time Leak Forgiveness Applications** – 2 new received.
- **Payment Plan Applications** – 2 received.
- **Low Income Utility Discount Program** Application is available on website, program is active. **Number of New Applications this period** – 0
- **Follow up on existing insurance claims.**
- **Weekly check in meetings with Troy Rosenburg** – ongoing communication and training.
- **Scheduling Translation Services for Public Hearings** – maintaining equipment.
- **Clean up and set up of Council Chambers** for Council Meetings, WSVPD meetings, and Bridge Authority Meetings.

New Projects:

- **Public Hearing Calendar** – January Public Hearings will include Amendments to WSMC 19.
- **Recording of 3 Quit Claim Deeds for Easement Vacations on Lincoln Street.**
- **Drafting final 2024 Contract Renewal**– HR Consultant
- **Meeting with City Attorney** to work through WSMC Title 19 changes, Resolution to set date and time for public hearing regarding street vacation, Intent to Annex next steps.
- **DCG/Watershed Scope of Work Contract for Heritage Tree Ordinance**
- **Annual Reports:** USDA, Lodging Tax, Financial, ARPA/SLFRF Funds
- **Misc 1099 and W2 for 2023**

Existing Projects Progress:

- **Annexation of N Main Island** – Annexation has been recorded with Klickitat County. Working on Census Data as last part of packet to go to Office of Financial management.
- **Working with Police Department to create a Scope of Work** for a Janitorial Contract for City Hall and the Police Department

- **Communication with PWB** regarding the contract for \$8,045,000 preliminary award for Mainline Phase IIA –**received draft contract for review. Should have final to sign by mid January 2024.**
- **Drafting Maintenance Contract** for Well Field Maintenance – On council agenda 01.03.2024
- **Working with Springbrook to get access to the Chart of Accounts (budget) for all department heads-** **ongoing.**
- **Working with administration to appoint a Labor Management Board** – part of the MBA.- **ongoing**
- **Intent to Annex received.** Date set for meeting with applicants January 17, 2024.
- **LOCAL Bond Program** – confirming application deadlines and receiving equipment quotes for a Sweeper Trcka and Bucket Truck to present to the LOCAL Bonding for approval.