

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Key: **~~Bold and Strike through~~** means repealed.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

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**

<b>Type I-A</b>	<b>Type I-B</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>
Building permits	Site and building plan review (1)	Site and building plan review (2)	Site and building plan review (3)	Final plat	Development regulations
<b>Short plat (simple)</b> Permitted uses not requiring notice of application	Boundary line adjustment	<b>Short plat</b> Zoning variances <u>(7)</u>	Preliminary PUD	Final PUD	Zoning text and map amendments
Grading permits	<del>Conditional use (simple)</del> 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	<u>Short plat</u>		Preliminary plat for full subdivision		Shoreline Master Program amendments
			Shoreline permits: substantial development, conditional use, or variances		Annexations

**Table 2—Action Type**

<b>Procedure Project Permit Applications (Type I — IV)</b>						<b>Legislative</b>
	<b>Type I-A</b>	<b>Type I-B</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>
Notice of application:	No	Yes	Yes	Yes	Yes	Yes
Recommendation made by: <b>commission</b>	N/A	N/A	Administrator	Planning commission	Administrator	Planning <b>commission</b> .
Final decision made by:	Administrator	Administrator	<del>Planning commission (2)</del> <u>Planning commission (2)</u> ; 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 <u>planning commission hearing examiner</u>	<del>Yes (6), closed record before city council</del> <u>No (8)</u>	N/A	N/A	N/A
Judicial appeal	<del>Yes</del> <u>No</u>	<del>No</del> <u>No</u>	<del>No</del> <u>Yes</u>	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.

- (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.

- 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:

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.



- 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.

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:

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.

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**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;

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:

- 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;

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.

- 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

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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



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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:

- 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 7<sup>th</sup> day of February, 2024.

DocuSigned by:  
  
361DCEFE8E64421...  
Marla Keethler, Mayor

ATTEST:

DocuSigned by:  
  
F5160DB6A85C4B3...  
Stephanie Porter, Clerk Treasurer

APPROVED AS TO FORM:

DocuSigned by:  
  
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Shawn MacPherson, City Attorney