

**CITY OF WHITE SALMON  
ORDINANCE NO. 2011-07-871**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, LIFTING WATER CONNECTION MORITORIUM, REPEALING OBSOLETE ORDINANCES, AMENDING WSMC 13.16.010, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on May 20, 2009 the City adopted a Water Moratorium Ordinance (No. 2009-05-836) limiting connections to the City water system until the City could secure additional water source and water rights. Prior to that time, the Washington State Department of Health (“DOH”) limited the City’s authority to issue new connections to the City’s system until the water rights and water source issues could be addressed; and

**WHEREAS**, the Water Moratorium Ordinance was extended by Ordinance (No. 2010-02-846) adopted by the City Council on February 17, 2010; and

**WHEREAS**, in Ord. 2010-04-848, the City partially lifted its water moratorium and issued water connections for residents who demonstrated a present willingness to build, and with the limitation on connections removed, the need to prioritize new connections is eliminated; and

**WHEREAS**, since the City adopted its moratorium, the City has built a water filtration plant on Buck Creek, and has also obtained additional water rights by obtaining a new water right from the Washington State Department of Ecology and by signing water purveyor agreement with Klickitat County Public Utility District (“KPUD”); and

**WHEREAS**, the DOH has indicated it will allow the City to issue water connections in a quantity sufficient to remove the water connection moratorium for the foreseeable future; and

**WHEREAS**, the City Council of the City of White Salmon deems it to be in the best interest of the City that the City lift the water moratorium, simultaneous with the adoption of revised water ordinances.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS:** by the City Council of the City of White Salmon as follows:

**SECTION 1: Repeal of Ord. 2009-05-836, Ord. 2010-02-846 and Ord. 2010-04-848 and Release of Water Moratorium**

Release of Water Moratorium

The City hereby releases its water connection moratorium and repeals the following Ordinances: Ord. 2009-05-836, Ord. 2010-02-846 and Ord.2010-04-848.

**SECTION 2 – AMENDMENT OF WSMC 13.16.010 - New water connections—  
Hookup deadline after approval and related matters.**

WSMC is hereby amended as follows:

Deleted sections are ~~stricken~~; new sections are underlined.

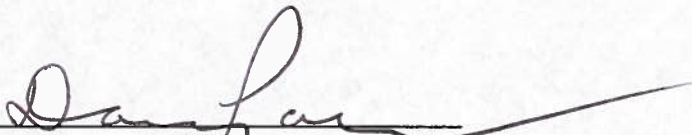
- A. Impact fees for water hookups must be paid in full within thirty (30) days of the date of approval, or the approval is void.
- ~~B. If a request for physical hookup is not made within six months of the approval date, the approval is void and the application fee shall be forfeited to the city except that one six month extension may be granted by the city council due to circumstance judged to be beyond the applicant's control. Such extension must be applied for within six months from the date of approval and may not continue beyond one year from the approval date.~~
- ~~C. Following council approval of an extension, applicants shall pass at least one building inspection prior to the end of the six month extension. If at least one building inspection has not been passed during the extension period, the approval is void and any fees paid shall be forfeited to the city.~~
- BD. It is the applicant's responsibility to procure easements, franchises or permits from the city, county or other entity as necessary to connect the city's facilities to the service location.
- CE. All required easements and permits shall be obtained and all hookup charges paid in full prior to request for physical hookup.
- ~~F. Upon request, impact fees shall be refunded including all interest earned by the City, if no hook up occurs following payment of impact fees and no impact to the City's water or sewer system has occurred.~~
- ~~G. Within thirty (30) of the date of application, an applicant may file an appeal of the impact fees if the applicant can show that the amount of the impact fee is inappropriate based on principles of fairness. The appeal shall be filed with the clerk treasurer on forms provided by the city and shall specify the basis for and facts supporting modification of the impact fee. The mayor or the mayor's designee may request additional documentation or support from the applicant during the process of considering the appeal. The written decision of the mayor (or designee) shall be issued within sixty (60) days of the date the appeal is filed. Within sixty (60) days of issuance of the decision of the mayor (or designee), applicant may file with the clerk treasurer a written request for review of that decision by the city council. The city council may request a staff report and such additional information as the city council deems appropriate. The city council shall issue a decision affirming or modifying the impact fee within sixty (60) days of the date the request for review is filed. The impact fee may be modified by the mayor (or designee) or by~~


~~the city council upon a determination that it is proper to do so based on principles of fairness. The decision of the city council shall be final.~~

**SECTION 2 - 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.

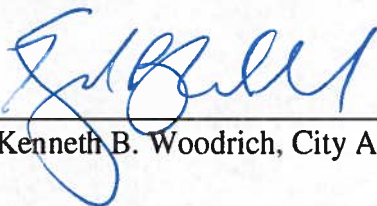
**SECTION 3 - EFFECTIVE DATE.** This ordinance shall become effective following passage and publication as provided by law.

**PASSED** in regular session this 20<sup>th</sup> day of July, 2011.

  
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David Poucher, Mayor

  
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Leana Johnson, Clerk/Treasurer

Approved as to form:

  
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Kenneth B. Woodrich, City Attorney