

**CITY OF WHITE SALMON  
ORDINANCE NO. 2015-12-979**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, AMENDING  
WSMC 19.10.190 REGARDING NOTICE OF PUBLIC HEARING FOR  
LAND USE APPLICATIONS, INCLUDING SEVERABILITY AND AN  
EFFECTIVE DATE**

**WHEREAS**, the City of White Salmon (“City”) acknowledges the need to provide limited public input for short plat applications; and

**WHEREAS**, the City wishes to amend the following ordinance to clarify public notice requirements to allow preparation and attendance at the open public hearing pertaining to Type II land use actions.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS:** that the following amendments be made to the White Salmon Municipal Code, Section 19.10.190:

**SECTION 1 – WSMC 19.10.190 is hereby amended as follows:**

Key: Added = Underline  
Deleted = ~~Strikethrough~~

**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:
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 within fourteen days of issuing a determination of completeness for processing not fewer than ten (10) nor more than forty-five (45) 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.

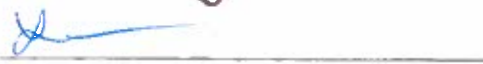
5. Type V Actions. For Type V legislative actions, the city shall publish notice at City Hall and by one publication in a newspaper of general circulation in the county at least ten days before the hearing and all other notice required by city code and RCW 35.23.221.
  6. General Procedure for Mailed 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.
- 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.

**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 2<sup>nd</sup> day of December, 2015.

  
David Poucher, Mayor

  
Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

  
Kenneth B. Woodrich, City Attorney