

**CITY OF WHITE SALMON
ORDINANCE NO. 2017-05-1006**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA,
AMENDING CHAPTER 17.80 REGARDING CONDITIONAL USE
APPLICATIONS AND APPROVAL, INCLUDING SEVERABILITY
AND AN EFFECTIVE DATE**

WHEREAS, the City of White Salmon (“City”) acknowledges the need to provide for uniform and efficient conditional use regulations; and

WHEREAS, the City wishes to revise its code to streamline administrative approvals of simple conditional use applications, reserving planning commission review to applications where the administrator determines public interests are sufficiently at stake to warrant a more public forum.

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, chapter 17.80 regarding conditional use permitting:

**Key: Deleted: ~~strikethrough~~
Added: underlined**

SECTION 1 – WSMC 17.80.055 is hereby amended as follows:

17.80.055 - Conditional use permit purpose and criteria.

~~Planning commission~~ The Administrator or the Planning Commission 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 planning commission 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.


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 3rd day of May, 2017.




David Poucher, Mayor



Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney