

**CITY OF WHITE SALMON
ORDINANCE NO. 2017-05-1007**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA,
AMENDING CHAPTERS 16.65 AND 19.10 REGARDING SHORT
PLAT 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 land division regulations; and

WHEREAS, the City wishes to revise its code to streamline administrative approvals of simple short subdivisions, 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, amending Titles 16 and 19 regarding short plat permitting:

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

SECTION 1 – SMC 16.65 is hereby amended as follows:

16.65.060 APPLICATION PROCEDURES

A. ADMINISTRATOR’S AUTHORITY.

The short plat administrator, referred to as the administrator, is vested with the duty of administering the provisions of this chapter in accordance with the procedures set forth in this section and as a Type I-B or Type II review as set forth in Title 19.

B. RECEIPT AND DISTRIBUTION OF COPIES.

1. Any property owner intending to divide land by this chapter shall obtain a short plat application form and map sheet from the City. The applicant shall then complete the application and map sheet listing all required information as outlined within Section 16.65.050.
 - a. *Sewage Disposal System.* When proposed lots are to be served by an on site sewage disposal system, site evaluations by the district health officer shall be obtained by the applicant prior to the submission of the short plat application.
 - b. *Maintenance of Private Roads.* Every short plat containing a private road serving two or more lots shall be accompanied by a private road maintenance agreement signed by the short plat subdivider. The agreement shall be recorded with the auditor.

2. Upon submission of a short plat application, a date of receipt shall be affixed on the application. The administrator shall then determine whether the requirements of this chapter have been met. An application Or map lacking sufficient information for review or not meeting the requirements of the chapter shall be rejected by the short plat administrator and returned to the applicant, and such rejection shall be accompanied by a written statement citing the reason for rejection.
3. After the short plat administrator determines that the proposed short plat application and map contain the required information and data, the administrator shall distribute copies of the short plat application and map to the following as is necessary:
 - a. City public works department;
 - b. City clerk;
 - c. Health District;
 - d. City planning commission;
 - e. Washington State Department of Transportation if the short plat is located adjacent to the ROW of a state highway;
 - f. Any state or local agency which may have an interest in the short plat as determined by the administrator;
 - g. The administrator will mail a notice of the proposed short plat to the latest recorded real property owners as shown by the records of the county assessor, who share a common boundary line with property being short platted, by United States first class mail.

C. FINDINGS AND COMMENTS.

The short plat administrator may request specific input from the following:

1. The public works director or the director's designee shall notify the administrator whether:
 - a. Road access, surface drainage and road construction comply with current City standards;
 - b. City utilities and fire protection are available to each lot or indicate the improvements that will be needed.
2. The clerk-treasurer shall notify the administrator if the property is clear of City liens and assessments.
3. Washington Department of Fish and Wildlife shall notify the administrator if the property has special species or habitat concerns.
4. The district health officer shall notify the administrator whether:
 - a. Water supply methods and sanitary sewer disposal methods contemplated for use in the proposed short plats, do or do not conform with current standards; and
 - b. Where sanitary sewers are not available, that each lot contains adequate area and proper soil, topographic and drainage conditions to be served by an on-site sewage disposal system.

D. SUMMARY DETERMINATION OF COMPLIANCE.

The administrator shall review all information relevant to the short plat proposal and prepare a findings document for Planning Commission consideration per Chapter 19 Administrative Procedures. The Administrator may approve a short plat as a Type I-B application administratively if, after considering the application and the response from adjacent property owners, the Administrator deems the application to be complete and consistent with the City standards. If, after tThe administrative check for compliance, the Administrator in his or her discretion deems the application to warrant further public input and/or Planning Commission review, the Administrator shall process the application thereafter as a Type II application and shall prepare and staff report and shall result in make a recommendation that the Planning Commission:

1. Approve the short plat, with or without conditions;
2. Return the short plat to the applicant for corrections or for the applicant's construction of improvements in a manner consistent with official findings; or
3. Disapprove the short plat with written findings.

E. CONDITIONAL APPROVAL.

If the preliminary approval of the short plat requires the meeting of conditions, construction of private roads and/or water systems, or the applicant needs time to obtain required certifications, then the applicant's short plat shall be granted conditional approval for up to a two year period, or as otherwise provided by state law, to provide time to complete the conditions.

Upon fulfillment of the conditions of preliminary approval, and upon acceptance of such proof by the administrator, the administrator shall then proceed with the final approval of the short plat. Upon application by the applicant within the initial conditional approval period, the administrator may, if the applicant has demonstrated good cause, grant a reasonable extension of the conditional approval period.

F. FINAL APPROVAL AND RECORDING.

After the application and short plat has met all the requirements of this chapter – the subdivider has provided all required documentation and certifications, applicant has paid the short plat fee and written approval by the administrator, public works director, health district officer, City clerk and county treasurer has been inscribed upon the face of the short plat map. The short plat shall be deemed approved when the final short plat is recorded with the Klickitat County auditor.

It is the responsibility of the short plat subdivider to record the short plat map with the county auditor. The short plat subdivider shall pay the current recording fee. Upon recording the short plat map, the administrator shall obtain one copy of the short plat for City records.

G. UNAPPROVED SHORT PLATS SHALL NOT BE RECORDED.

The applicant shall not submit to the Klickitat County auditor any short plat that does not bear the City's certificate of approval. Filing a short plat without the City's certificate of approval shall be a violation of this chapter.

SECTION 2 – SMC 19.10.040 is hereby amended as follows:

19.10.040 - Project permit application framework.

Table 1—Permits/Decisions

Type I-A	Type I-B	Type II	Type III	Type IV	Type V
Building permits	Site and building plan review (1)	Site and building plan review (1)	Preliminary plat for full subdivision	Final plat	Development regulations
<u>Short plat (simple)</u>	Boundary line adjustment	Short plat (<u>defer to PC</u>)	Preliminary PUD	Final PUD	Zoning text and map amendments
Grading permits	<u>Conditional use (simple)</u>	Conditional use (<u>defer to PC</u>); zoning variances	Site specific rezone		Comprehensive plan text and map amendments
Manufactured home placement permit					Shoreline Master Program amendments
Permitted uses not requiring notice of application			Shoreline permits: substantial development, conditional		Annexations

			use, or variances		
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- (1) The administrator makes the final decision on some site and building plan review applications considering the degree of discretion to be employed. Implementation of clear and objective standards and review of site plans for uses already approved for land use permits will typically be subject to Type I-B review while site plans addressing more subjective concerns and criteria will follow Type II procedure.

Table 2—Action Type

Procedure Project Permit Applications (Type I — IV)						Legislat ive
	Type I-A	Type I-B	Type II	Type III	Type IV	Type V
Notice of application:	No	Yes	Yes	Yes	Yes	Yes
Recommendation made by: Commission	N/A	N/A	Administra tor	Planning Commis sion	Administra tor	Plannin g
Final decision made by:	Administra tor	Administra tor	Planning Commis sion (2)	City Council	City Council	City Council
Open record public hearing	No	No	Yes	Yes (3)	No	Yes (4)

Administrative appeal	Yes (5)	Yes (6), closed record before Planning Commission	Yes (6), closed record before City Council	N/A	N/A	N/A
Judicial appeal	Yes	No	No	Yes	Yes	Yes

(2) The administrator may make the final decision on some applications, as specified in Chapter 17.81.

(3) 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 will hear appeals of staff decisions; the city council will hear appeals of planning commission decisions. Both appeals are closed record hearings.

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.

Type II — Planning commission review. Notice and open record hearing before the planning commission. Planning commission makes the final decision subject to a right of 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.

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

SECTION 4 - EFFECTIVE DATE. This ordinance shall 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