

# White Salmon Community Development Committee Meeting

## A G E N D A

February 11, 2021 – 5:30 PM

Via Zoom Teleconference

Meeting ID: 868 6266 2319 Passcode: 718407



### Call in Numbers:

669-900-6833

929-205-6099

301-715-8592

346-248-7799

253-215-8782

312-626-6799

### Call to Order/Roll Call

#### Action Items

1. Proposed Rental Housing Code
  - a. Discussion
  - b. Action
2. Proposed Climate Change Resolution
  - a. Discussion
  - b. Action
3. Proposed Resolution Establishing White Salmon Community Vision Board
  - a. Discussion
  - b. Action

Members of the public will be allowed to interact with the committee members during the committee meeting to ask questions or make suggestions regarding the topics on the agenda. Please use the chat or raise hand feature in Zoom to indicate that you have a comment or a question. The Chair of the committee may ask members of the public to wait for comments or questions until after the initial discussion takes place between committee members

**File Attachments for Item:**

1. Proposed Rental Housing Code
  - a. Discussion
  - b. Action

## **CHAPTER 8.60 RENTAL HOUSING CODE**

### **Sections:**

- 8.60.010 Purpose and Intent.
- 8.60.020 Definitions.
- 8.60.030 Distribution of information required.
- 8.60.040 Notice to vacate requirements.
- 8.60.050 Compliance and enforcement.
- 8.60.060 Severability.

### **8.60.010 Purpose and Intent.**

The purpose of this chapter is to establish regulations supporting the topic of increasing housing security, and to establish standards and enforcement mechanisms as they relate to rental housing within the City limits of White Salmon.

It is the City's intent to continue its long-term commitment to maintain vibrant and diverse neighborhoods within White Salmon.

The regulations contained in this chapter balance the needs of the landlord, tenant, and the City while creating a partnership to ensure safe, healthy, and thriving rental housing in White Salmon. The City recognizes that the renting of residential property is a commercial venture where owners and landlords must evaluate risk, profit, and loss. Providing housing for White Salmon residents directly impacts quality of life at the most basic level, and therefore requires regulations to ensure that it is equitably undertaken.

### **8.60.020 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

“Days” means calendar days unless otherwise provided.

“Director” means the City Administrator, or the City Administrator's designee.

“Dwelling unit” means a structure or part of a structure used as a home, residence, or sleeping place by one, two, or more persons maintaining a common household, including, but not limited to, single-family residences and multiplexes, apartment buildings, and mobile homes.

“Immediate family member” includes the spouse or domestic partner, dependent children, and other dependent relatives.

“Landlord” means a landlord as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 of the Residential Landlord Tenant Act of 1973 (“RLTA”) in effect at the time the rental agreement is executed. As of the effective day of this ordinance, the RLTA defines “landlord” as “the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.”

“Owner” means one or more persons, or entities, jointly or severally, in whom is vested:

- A. All or any part of the real title to property; or
- B. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

“Rental agreement” means a residential rental agreement as defined in and within the scope of RCW 59.18.030 and RCW 59.18.040 of the state RLTA in effect at the time the rental agreement is executed. As of the effective day of this ordinance, the state RLTA defines “rental agreement” as “all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.”

“Substantial rehabilitation” means extensive structural repair or extensive remodeling and requires a building, electrical, plumbing, or mechanical permit for the tenant’s dwelling unit at issue. Any “substantial rehabilitation” as provided herein requires displacement of a tenant.

“Tenant” means any person who is permitted to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the state RLTA, chapter 59.18 RCW and those tenants whose living arrangements are exempted from the state RLTA under RCW 59.18.040(3). For purposes of this chapter, “tenant” shall not include the owner of a dwelling unit or members of the owner’s immediate family.

**8.60.030 Distribution of information required.**

- A. Distribution of information packets by landlord.
  - 1. The Director shall prepare and update as necessary, summaries of this chapter, the Building Code (WSMC 15.04), state RLTA (RCW 59.18), Forcible Entry and Forcible and Unlawful Detainer (RCW 59.12), and Fair Housing laws, describing the respective rights, obligations, and remedies of landlords and tenants, including information about legal resources available to tenants, and provide it on a website address designated by the City.
  - 2. A landlord shall provide a one page document summarizing the website address designated by the City, and voter registration information, prepared by the Director, to any tenant or prospective tenant when a new rental agreement is offered.
  - 3. Where there is an oral rental agreement, the landlord shall give the document in 8.60.030.A.2, either before entering into the oral rental agreement or as soon as reasonably possible after entering into the oral rental agreement.
  - 4. The initial distribution of information to tenants must be in written form and landlords shall obtain the tenant’s signature documenting tenant’s receipt of such information. If a tenant refuses to provide a signature documenting the tenant’s receipt of the information, the landlord may draft a declaration stating when and where the landlord provided tenant with the required information.

5. The document prepared by the Director includes summary information only, and nothing in the summaries therein shall be construed as binding on or affecting any judicial determination of the rights and responsibilities of landlords and tenants, nor is the Director liable for any misstatement or misinterpretation of the applicable laws.

**8.60.040 Notice to vacate requirements.**

- A. The notice requirements provided in this subsection apply when premises are rented with monthly or other periodic tenancy and apply before the expiration of a fixed-term lease, unless the lease automatically converts to a month-to-month or periodic tenancy at the end of its expiration.
- B. Requirement for notice to tenant for no cause termination. Unless provided otherwise under federal or state law applicable to low-income or affordable housing programs, a landlord may only terminate a tenancy for no cause by providing the tenant written notice of at least 45 days preceding the end of the month or period of tenancy. Notices that are exempt from this subsection include, but are not limited to, notices authorized under RCW 59.12.030, as it currently exists or as hereinafter amended.
- C. Notice requirements, generally. Notices provided in this section shall comply with RCW 59.12.040, as it exists and as hereinafter amended.
- D. The notices required herein do not apply when:
  1. A landlord terminates for nonpayment of rent or for other cause allowed by the state RLTA, chapter 59.18 RCW, or the Forcible Entry and Forcible and Unlawful Detainer Act, chapter 59.12 RCW; or
  2. A landlord is required to repair the dwelling unit due to a violation of the Building Code, WSMC 15.04 and is found to be either derelict or unfit.

**8.60.050 Compliance and enforcement.**

- A. Compliance.
  1. Any rental agreement or renewal of a rental agreement in a residential unit in the City of White Salmon entered into after the date this code becomes effective, shall include, or is deemed to include, a provision requiring the provisions outlined in this chapter.
  2. Joint and Several Responsibility and Liability. Responsibility for violations subject to enforcement under this chapter is joint and several, and the City is not prohibited from taking action against a person where other persons may also be potentially responsible persons, nor is the City required to take action against all potentially responsible persons.
- B. Rebuttable Presumption.
  1. If a landlord provides a 45-day notice to vacate under WSMC 8.60.040.B, and within 90 days after the tenant vacates the dwelling unit, the landlord commences

activity to demolish or substantially rehabilitate or change the use of the dwelling unit, the City shall presume that the landlord intended to avoid the 120-day notice to terminate requirement in RCW 59.18.440.

2. To overcome the presumption in subsection B.1, the landlord must demonstrate by a preponderance of evidence that either the termination was due to proper cause or, in the case of substantial rehabilitation, that the tenant left the dwelling uninhabitable such that substantial rehabilitation was necessary to rent the dwelling.

C. Powers and duties of the Director.

1. The Director is authorized to enforce this chapter and may promulgate rules and regulations consistent with this chapter, provided that the Director shall hold one or more public hearings prior to adoption of final rules and regulations by City Council.
2. The Director shall attempt to settle by agreement any alleged violation or failures to comply with the provisions of this chapter; provided that nothing herein shall create a right or entitlement of a landlord to settlement by agreement.
3. The Director is authorized to request records from landlord and the landlord shall allow the Director access to such records, when requested, with at least five business days' notice and at a mutually agreeable time, to investigate potential violations of the requirements of this chapter.

D. Notice of Violation.

1. If a violation of this chapter occurs, the Director shall issue a Notice of Violation. A Notice of Violation shall include:
  - a. The street address or a description of the building, structure, premises, or land in terms reasonably sufficient to identify its location where the violation occurred;
  - b. A description of the violation and a reference to the provisions of this chapter which have been violated;
  - c. A description of the action required to comply with the provisions of this chapter;
  - d. A statement that the landlord to whom a Notice of Violation is directed may request a hearing. Such request for hearing must be submitted in writing and must be received by the City Clerk no later than ten days after the Notice of Violation has been issued;
  - e. A statement that penalties will accrue as provided in this chapter;

- f. An Advisory Letter to provide the Landlord with a timeline of the process and an invitation to conciliate.
2. The Notice of Violation shall be delivered, in writing, to the person to whom the Notice of Violation is issued by personal delivery or first-class mail.

E. Civil Penalties.

1. Any person violating a provision of this chapter shall be subject to the penalties as outlined below.
  - a. For a violation of Distribution of information required (WSMC 8.60.030), a landlord shall be subject to the following penalties:
    - (1) For the first violation for each affected dwelling unit, \$250; and
    - (2) For each affected dwelling unit for each subsequent violation within a three-year period, \$500.
  - b. For a violation of a no cause Notice to vacate (WSMC 8.60.040), a landlord shall be subject to the following penalties:
    - (1) For each violation from the date the violation begins for the first ten days of noncompliance, \$100 per day, per dwelling unit;
    - (2) For each violation for each day beyond ten days of noncompliance until compliance is achieved, \$250 per day, per dwelling unit.
2. The Director may waive or reduce the penalty if the landlord comes into compliance within fifteen days of the Notice of Violation or shows that its failure to comply was due to reasonable cause and not willful neglect.
3. Any civil penalties paid by the landlord shall be kept by the City.

F. Administrative Review by Director.

1. General. A person to whom a Notice of Violation or penalty is assessed may request an administrative review of the Notice of Violation or penalty.
2. How to request administrative review. A person may request an administrative review of the Notice of Violation or penalty by filing a written request with the Director within fifteen days from the date the Notice of Violation or penalty was issued. The request shall state, in writing, the reasons the Director should review the Notice of Violation or penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Director shall review the information provided. The City has the burden to prove a violation exists by a preponderance of the evidence.
3. Decision of Director. After considering all of the information provided, the Director shall determine whether a violation has occurred and shall affirm, vacate,

suspend, or modify the Notice of Violation or penalty. The Director's decision shall be delivered, in writing, to the person to whom the notice of violation was issued by personal delivery or first class mail within fifteen days from the date the administrative review was received.

- G. Appeals to the Hearing Examiner of Director's Decision. Appeal of the Director's decision shall be made within ten days from the date of the Director's decision by filing a written notice of appeal, clearly stating the grounds that the appeal is based upon, with the Hearing Examiner.

**8.6.060 Severability.**

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.



**File Attachments for Item:**

2. Proposed Climate Change Resolution

a. Discussion

b. Action

## **RESOLUTION # TBD**

### **A RESOLUTION DECLARING A GLOBAL CLIMATE CRISIS**

**WHEREAS**, the world is already seeing the impacts of a warmer climate in rising seas, and more frequent and intensifying wildfires, droughts, floods, and other extreme weather events; and

**WHEREAS**, global warming over 1.5°C above pre-industrial levels will negatively affect human health, livelihoods, food security, water supply, human security, and economic growth resulting in species loss and extinction. In April 2016 world leaders recognized the urgent need to act by signing the Paris Agreement, agreeing to pursue “efforts to limit the temperature increase to 1.5°C; and

**WHEREAS**, the need to address climate change and climate resiliency compels the City of White Salmon to participate in a global effort to rapidly and safely reduce existing greenhouse emissions and excess carbon from the atmosphere; to protect our economy, land, people, and all species; and

**WHEREAS**, the City of White Salmon is committed to resilient infrastructure and sound municipal environmental policy; and

**WHEREAS**, the City of White Salmon acknowledges that our community and watershed is extremely vulnerable to wildfire and that climate change intensifies the threat of increasingly severe fire events and associated public health risks; and

**WHEREAS**, the City of White Salmon recognizes the need to preserve and protect our drinking water supplies from reduced snowpack, increased drought and wildfires, while also addressing groundwater, aquifer recharge and storm water; and

**WHEREAS**, the City of White Salmon acknowledges climate change adversely impacts our city and regional economy, including tourism, recreation, forestry, agriculture, and fishing; and

**WHEREAS**, the burning of fossil fuels generates local toxic emissions in addition to climate emissions, which contribute significantly to local public health costs, reduced productivity, and premature deaths; and

**WHEREAS**, the long-term operating costs of clean-energy infrastructure, such as renewable energy generation, zero-emission vehicles, and energy efficient buildings, are soon expected to be lower than comparable fossil-fueled infrastructure; and

**WHEREAS**, clean-energy infrastructure enables independent, local energy microgrids which reduce wildfire risk, provide emergency power, and expand transportation options; and

**WHEREAS**, the City of White Salmon recognizes the need for community education and participation in the planning and implementation of White Salmon’s climate policy; and

**WHEREAS**, the City of White Salmon reinforces policy goals of the 2012 Comprehensive Plan, including the implementation of low impact development methods, protection of fish and wildlife habitat, and protection of wetlands and their buffer areas.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY OF WHITE SALMON AS FOLLOWS:**

1. The City of White Salmon declares that a climate crisis threatens our community, our region and planet.
2. The City of White Salmon commits to take steps to:
  - a. Reduce reliance on fossil fuels in municipal operations;
  - b. Pursue local policies and reforms that promote environmental stewardship and overlapping economic sustainability;
  - c. Identify current municipal greenhouse emissions in pursuit of a target reduction in municipal net greenhouse gas emissions of at least 45% by 2030 and net zero by 2050;
  - d. Initiate efforts to formulate adaptation and resilience strategies in preparation for intensifying climate impacts such as wildfires, drought, reduced water availability, and stormwater runoff;
  - e. Work on climate issues in conjunction with diverse communities within the city and neighboring communities, with whom we share our fragile resources.
3. The City of White Salmon underscores the need for community education, participation, inclusion, and support, in efforts to rapidly reduce greenhouse-gas emissions and the city's climate impacts.
4. The City of White Salmon prioritizes and commits to creating a climate task force and direct said task force to research, study and advise the city and council on actions to meet our emission and resiliency goals.
5. The City of White Salmon commits to pursuing opportunities and funding from the Klickitat Public Utility District, Klickitat County and the State of Washington to address the climate and ecological emergency and its impacts through existing hazard mitigation and emergency management programs.
6. The City of White Salmon commits to keeping the concerns of vulnerable communities and impacts to tribal treaty resources central to all climate change mitigation planning processes and to proactively seek participation of such communities.
7. The City of White Salmon joins a call for a regional, tribal and native, national, and international climate emergency mobilization effort.

This resolution shall take effect after its passage by the City Council.

**ADOPTED** by the Council of the City of White Salmon, Washington. Dated this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**Marla Keethler, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Jan Brending, Clerk Treasurer**

\_\_\_\_\_  
**Kenneth B. Woodrich, City Attorney**

**File Attachments for Item:**

3. Proposed Resolution Establishing White Salmon Community Vision Board

a. Discussion

b. Action

CITY OF WHITE SALMON WASHINGTON  
ORDINANCE NO. XX  
ESTABLISHMENT OF WHITE SALMON COMMUNITY VISION BOARD

WHEREAS, the City has an adopted comprehensive plan that guides future development and public investment, with recommendations to address the priorities identified by the community, and

WHEREAS, the City has an interest in reducing municipal greenhouse gas emissions to net zero by 2050 when reviewing and implementing the comprehensive plan, as well as invest in climate resilience to protect our way of life, and

WHEREAS, the City of White Salmon wants ongoing, active participation from the community and region when considering the future of our city, and

WHEREAS, the City has an interest to include, involve and engage all members of our community so we may all reach full, healthy lives equitably.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN:

**Chapter xx.xx WHITE SALMON COMMUNITY VISION BOARD ORDINANCE**

**Xx.xx.000 Purpose and Intent.**

The City of White Salmon has an ongoing comprehensive plan that is periodically updated based on community feedback and participation. The plan is a policy document that guides future development and public investment, and creates a guide to lead White Salmon toward a successful future.

Through community feedback on the 2020 Comprehensive Plan, the city would like to engage the larger community to make recommendations that could be implemented by the city council and/or Klickitat County. Some of the historical feedback has been that the city has not honored the recommendations and spirit of the comprehensive plan adopted.

The creation of the Community Vision Board is to engage the community actively to implement the vision outlined in the current comprehensive plan.

Separately, the city has adopted a Climate Crisis Resolution (x.x.x) that has set a target reducing municipal greenhouse gas emissions to net zero by 2050. Since both this resolution and comprehensive plan are forward looking documents that provide direction on where we want the city to go over the next 30 years, the Community Vision Board is to consider both when making recommendations.

Finally, the city wants all recommendations to consider how all citizens within the city of White Salmon are impacted, including black, indigenous, and persons of color, who have historically

been missing from civic engagement. The City of White Salmon values diversity and creating an inclusive community where all residents are treated fairly and equitably.

**xx.xx.010 - Definitions.**

1. "City of White Salmon" is defined as the area within the established city limits of the City of White Salmon.
2. "White Salmon Urban Exempt Area" is defined as the area outside the city limits of the City of White Salmon, and defined by the Columbia River Gorge National Scenic Area Act.
3. "Columbia Gorge Tribal Representative" is defined as a member of one of the Confederated Tribes and Bands of the Yakama Nation or a member of the Confederated Tribes of the Warm Springs.
4. "Columbia High School" is defined as the high school in the White Salmon Valley School District that supports both the City of White Salmon and the White Salmon Urban Exempt Area (and beyond).

**xx.xx.020 - Creation and Establishment of a Community Vision Board.**

There is, hereby, created and established a Community Vision Board for the City of White Salmon, Washington, which shall consist of up to 10 members, up to two of which shall be city council members, up to three City of White Salmon residents, up to two residents in the White Salmon Urban Exempt Area, up to one Columbia Gorge tribal representative, up to one Columbia High School student, and up to one at large member. All shall be appointed by the mayor with the approval of the council.

**xx.xx.030 - Term of Office.**

The term of the ten persons to be appointed by the mayor shall be two years except that the term of four of the members appointed to the first board shall be for only one year. The Columbia High School student representative shall always be a one year term. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

**xx.xx.040 - Compensation.**

Members of the board shall serve without compensation. The Columbia High School student shall receive a stipend (mimic the city council stipend?).

**xx.xx.050. - Duties and Responsibilities.**

It shall be the responsibility of the board to take direction from the Mayor and/or City Council to study, investigate, develop and recommend ordinances, resolutions, and/or building code changes that support the adopted White Salmon Comprehensive Plan, and Climate Crisis Resolution.

All recommendations will consider how all citizens within the city of White Salmon are impacted, including black, indigenous, and persons of color within the community.

All recommendations will be routed to the city council or the planning commission based on staff recommendation.

The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

**xx.xx.060 - Operation.**

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. A city staff member will attend and support all board meetings. The Community Vision Board shall be considered a public agency and shall observe the laws relating thereto, primarily those set forth in the Washington Public Meetings Act, RCW 42.30 and the Washington Public Records Act, RCW 42.56.

**xx.xx.070 - 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.

**xx.xx.080 - Effective Date.**

This ordinance shall take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of White Salmon at a regular meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.