



**White Salmon Planning Commission Workshop
A G E N D A**

January 10, 2024 – 5:30 PM

119 NE Church Ave and Zoom Teleconference

Meeting ID: 860 0736 6190

Call in Number: 1 (253) 215-8782 US (Tacoma)

Call to Order/Roll Call

Presentation

- [1.](#) Amendments to WSMC 2.20 Boards, Committees, and Commissions and WSMC 2.21 Hearing Examiner

Adjournment



File Attachments for Item:

1. Amendments to WSMC 2.20 Boards, Committees, and Commissions and WSMC 2.21 Hearing Examiner

**CITY OF WHITE SALMON
ORDINANCE 2023-12-1156**

AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODES CHAPTER 2.20 BOARDS, COMMISSIONS AND COMMITTEES AND WSMC 2.21 HEARING EXAMINER AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City finds that amendments to the makeup of the Community Development Committee will be beneficial; and

WHEREAS, the City finds that amendments to the makeup of the City Operations Committee will be beneficial; and

WHEREAS, the City finds that amendments to the provisions for the Tree Board are necessary; and

WHEREAS, the City finds that amendments to the provisions for a Planning Commission are necessary; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON WASHINGTON DO HEREBY ORDAIN as follows:

SECTION 1. White Salmon Municipal Code Chapter 2.20 – Boards, Commissions and Committees is amended as follows:

Chapter 2.20 Boards, Commissions, and Committees.

2.20.010 Committees

A. Appointment by mayor.

At the first regular meeting of the city council in January of each year, the Mayor shall, with the advice and consent of the city council, appoint the following standing committees:

1. Personnel and finance committee which shall consist of three members, two of whom shall be members of the city council and one member at large ~~who whom~~ shall be representative of the public and is a resident of the City of White Salmon and are of legal voting age. The mayor and clerk-treasurer, or their designees, shall serve as non-voting ex officio members.
2. City operations committee (parks, health and sanitation, street systems, **Transportation Benefit District**, water and wastewater facilities, fire, and police) which shall consist of two council members **and one White Salmon resident**.

3. Community development committee (~~annexations and real estate, tourism, business development, and housing~~) (public property, tourism, business development, arts, culture, and community engagement) which shall consist of ~~five~~ three members, two of which shall be members of the city council, ~~two of which shall be members of the planning commission~~ and one of which shall be a member of the White Salmon Arts Council.
4. Lodging tax advisory committee shall consist of five members, two representatives of a business required to collect the lodging tax (hotel/motel tax), two representatives of an activity whose activities are authorized to be funded by the lodging tax (hotel/motel tax); and one representative of the city council who shall be the Chairperson of the lodging tax advisory committee.

B. Creation of committees.

1. The mayor may create other committees with the consent of the council.
2. If a committee is created that is intended to be a standing committee, this code shall be amended to reflect such committee.
3. If a committee is created for which the duration is intended to be no longer than a 5-year period, a resolution identifying the makeup of the committee and its purpose, powers and duties shall be adopted.

C. Committees – Powers and duties.

1. Personnel and finance committee.
 - a. It is the responsibility of the committee to consider and approve draft budget proposals prepared and submitted by city staff, and as may be revised or amended by a majority vote of the committee, and to make recommendations to the city council for the adoption.
 - b. The committee shall advise the city council on matters pertaining to financial affairs of the city.
 - c. The committee shall advise the city council on personnel issues as they relate to the budget.
 - d. The committee is kept apprised by city staff as to the status of union negotiations and union grievances. The representative from the public shall not participate in discussions regarding union negotiations and union grievances.

- e. The committee shall perform such other duties as may be imposed by ordinances or the order of the mayor or city council.
2. City operations committee (parks, health and sanitation, street system, **Transportation Benefit District**, water and wastewater utilities, fire and police).
 - a. The committee is kept apprised by city staff on matters pertaining to parks; police and fire; refuse collection; sanitary conditions and health of the city; the conditions of roads, streets, alleyways, and parking facilities; and water and wastewater utility services and infrastructure.
 - b. The committee may recommend measures to the city council they deem proper for the betterment of the city.
 - c. The committee reports on matters referred to them by the mayor or the city council.
 - d. The committee is designated as the utilities comprehensive plan committee and shall represent the city on the multi-jurisdictional water and wastewater committee comprised of the jurisdictions of the city of White Salmon, City of Bingen and the Port of Klickitat which addresses water and wastewater utility services, including capital improvements, and utility service interlocal agreements existing or deemed necessary between the parties.
 - e. **The committee will act as the advisory committee to the Transportation Benefit District.**
3. Community development committee (~~annexations and real estate, tourism, business development, and housing~~) (**public property, tourism, business development, arts, culture and community engagement**).
 - a. The committee is kept apprised by city staff on matters pertaining to tourism and business development, including opportunities for enhancing tourism and business and its overall impact to the city.
 - b. The committee is kept apprised of the city's real properties within and adjacent to city limits and within the White Salmon urban growth area including existing and proposed use of such properties.
 - e. ~~The committee is kept apprised of existing and future annexation policies and the general impact of annexation to city infrastructure and municipal services.~~

~~d. The committee is kept apprised of matters pertaining to housing developments and issues related to housing within and adjacent to the city limits and within the White Salmon urban growth area.~~

~~e.c.~~ The committee may recommend measures to the city council and/or the planning commission they deem proper for the betterment of the city.

~~f.d.~~ The committee reports on matters referred to them by the mayor or the city council.

4. Lodging tax advisory committee.

a. The lodging tax committee shall review proposals for changes in the hotel/motel tax authorized in Chapter 3.50, including increases or decreases in the rate of tax, the repeal of an exemption to the hotel/motel tax, or a change in the use of the monies accumulated in the Hotel/Motel Tax Fund, as required in RCW 67.28.1817.

b. The lodging tax committee may establish programs and procedures whereby parties may apply for grants from the Hotel/Motel Tax Fund for tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities. Any grants under such programs must be approved by the City Council.

c. Pursuant to RCW 67.28.1817, the lodging tax advisory committee shall review any proposal described in that section, and shall submit comments on the proposal, which comments shall include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-term stability of the Hotel/Motel Tax Fund.

D. Committees – Meetings.

All committees will meet on an as needed basis. No official public comment will be taken at committee meeting and no legislative or quasi judicial decision making will take place at any committee meeting.

~~All committee meetings are presumed to be open and subject to the Washington Open Public Meetings Act (OPMA), RCW Chapter 42.30, if the committee is taking public testimony or comment or making decisions (adjudicative or legislative) on behalf of the council. Meetings that involve mere fact-finding, staff conferences and reporting to council without public testimony or comment are not typically subject to the OPMA.~~

2.20.020 Commissions.

A. Creation or Establishment of Commissions.

Commissions shall be created or established as required by state statute with the consent of the city council.

B. Planning Commission.

1. Created - Membership.

There is created a city planning commission to be known as the "White Salmon City Planning Commission," pursuant to the provisions of RCW 35.63.020, et seq., which planning commission shall consist of five members to be appointed by the mayor and confirmed by the city council, and that not more than one-third of which number of appointees may be ex officio members by virtue of office held in the city, pursuant to the provisions of RCW 35.63.030. At least three members of the planning commission shall be residents of the ~~city~~ City of White Salmon. If a matter is scheduled to come before the city planning commission, and there is not a meeting held to consider the matter, the matter shall be referred directly to the city council at its next regularly scheduled meeting, which allows for proper notice as required by Washington statutes and city ordinances.

2. Appointment - Terms

Members of the planning commission shall be appointed or reappointed for terms of four years. All appointments and/or reappointments provided for herein shall be made by the mayor and confirmed by the city council. Upon the resignation or removal of any planning commission, the successor shall be appointed for the remainder of the unexpired term.

3. Powers and duties - Statutory authority.

There is vested in the planning commission the statutory powers as set forth under RCW 35A.63.020 and the following additional powers and duties:

~~a. — Hold public hearings and make final decisions concerning conditional use permits and variances to the zoning ordinance. In making final decision concerning conditional use permits, variances to the zoning ordinances, and home occupation permits, the planning commission shall be acting as the board of adjustment under Chapter 17.80 of the White Salmon Municipal Code.~~

ba. Hold public hearings and make findings and recommendations to the city council on subdivision applications, comprehensive plan amendments and zone changes.

~~e. Give final written permission for home occupation permits under Chapter 17.56 of the White Salmon Municipal Code.~~

~~db.~~ The city council may refer to the planning commission for its recommendation and report, any ordinance, resolution, or other proposal relating to any of the matters and subjects referred to in Chapter 35.63 RCW, and the commission shall promptly report to the council thereon, making such recommendations and giving such counsel as it may deem proper.

4. Operation.

- a. The planning commission shall elect its own chair and vice chair annually.
- b. The commission will have two regular monthly meeting dates upon which it will convene to do business as necessary in response to citizen or city council requests. Business shall be conducted in accordance with state law and rules adopted by the planning commission.
- c. Written record shall be kept of all meetings, transactions, findings, and determinations, which record shall be of public record.

C. Civil Service Commission.

1. Powers and duties.

- a. The civil service commission shall have all the powers of and perform each and all the duties specified by Chapters 41.08 and 41.12 RCW, together with any duties or authority which may hereafter be conferred upon them by the laws of the State of Washington; the performance of such duties and exercise of such authority to be subject to each and all limitations expressed in such legislative enactment or enactments.
- b. The civil service commission shall make general rules and regulations implementing this chapter and state laws relating to civil service commissions in cities.

2. Appointment of commissioners.

The mayor of the City of White Salmon shall appoint three commissioners with confirmation of the city council. The members of the civil service commission shall:

- a. Serve without compensation;

- b. Be citizens of the United States;
- c. Be residents of the City of White Salmon for at least three years immediately preceding appointment;
- d. Be an elector of Klickitat County;
- e. Serve for a term of six years with multiple terms permissible;
- f. Devote due time and attention to the performance of the duties specified by this chapter and RCW Chapter 41.12.

3. Removal of commissioners.

A commissioner may be removed from office by the entity or official who appointed him/her, for incompetence, dereliction of duty, malfeasance in office, or other good cause: provided, however, that no member of the commission may be removed until charges have been preferred, in writing, due notice and a full hearing provided.

4. Quorum, voting, political parties.

Two members of the commission shall constitute a quorum and the votes of any two members concurring shall be sufficient for decision on all matters. At the time of any appointment, not more than two commissioners may be members of the same political party.

5. Exempted positions.

The position of chief of police is exempted from the classified civil service of the city per RCW 41.12.050.

3.20.030 Boards.

A. Creation or Establishment of Boards.

Boards shall be created or established as required by state statute or upon the recommendation of the mayor with the consent of the city council.

B. Tree Board.

1. Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of White Salmon, Washington which shall consist of five members, two of which shall be city council members and three shall be citizens and residents at large of this city, who shall be appointed by the mayor with the approval of the city council.

2. Term of Office.

The term of the five persons to be appointed by the mayor shall be three years. 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.

3. Compensation.

Members of the board shall serve without compensation.

4. Duties and Responsibilities.

It shall be the responsibility of the board to study, investigate, develop, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees **with a trunk diameter larger than 8 inches** and shrubs **with a trunk diameter larger than 8 inches** in parks, along streets and in other public areas. Such plan shall be reviewed and/or updated biannually, or as needed. All revisions shall be presented to the city council for acceptance and approval and thereafter shall constitute the official comprehensive city tree plan for the City of White Salmon, Washington.

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.

5. Operation.

The board shall choose its own officers, make its own rules and regulations **that shall be approved by the city council**, and keep a journal of its proceedings. **A city staff member will attend and support all meetings. The board shall meet on an as needed basis. A majority of the members shall be a quorum for the transaction of business. The city tree board shall be considered a public agency and shall observe the laws relating thereto, primarily those set forth in the Washington Open Public Meetings Act, RCW Chapter 42.30 and the Washington Public Records Act, RCW Ch. 42.56.**

C. CityLab Board.

1. Purpose and intent.

The City of White Salmon is committed to cultivating and preserving a community that emphasizes inclusion and connectedness. The collective sum of the individual differences, life experiences, knowledge, innovation, self-expression and connections that our residents invest into building this community represents the level to which the city engages with and empowers its residents. The board will serve as a vehicle to harness this collective energy towards continually focusing policy proposals and initiatives back to achieving the core aims as outlined in the Comprehensive Plan and other visioning documents adopted by the City Council, such as the Climate Crisis Resolution (Resolution 2021-03-517), Diversity Resolution (Resolution 2019-06-489) and AARP Network of Age-Friendly States and Communities Membership.

The city wants feedback and input in considering how all citizens within the community are impacted by decisions of the City, 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.

2. Definitions.

- a. “City of White Salmon” is defined as the area within the established city limits of the City of White Salmon.
- b. “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.
- c. “Columbia Gorge Tribal Representative” is defined as a member of one of the following tribes: Confederated Tribes of the Warm Springs, Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and the Confederated Tribes of Umatilla Indian Reservation.
- d. “High School Student” is defined as a high school in the White Salmon Urban Exempt area that supports both the City of White Salmon and the White Salmon Urban Exempt Area.

3. Creation and establishment of a CityLab board.

There is, hereby, created and established a CityLab Board for the City of White Salmon, Washington, which shall consist of up to 10 members, two shall be city council members and three City of White Salmon residents. The remaining five members can consist of residents in the White Salmon Urban Exempt Area, Columbia Gorge tribal representatives, High School Students, or other regionally appropriate stakeholders. All shall be appointed by the mayor with the approval of

the council. Any member may be removed from the board with a recommendation from the mayor and the approval of the council.

4. Term of office.

The term of the ten persons to be appointed by the mayor shall be two years. A High School Student representative could be a one- or two-year term (Junior or Senior). In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for a two-year term.

5. Compensation.

Members of the board shall serve without compensation.

6. Duties and Responsibilities.

- a. It shall be the responsibility of the board to take direction from the Mayor and/or City Council on items the board may study, investigate, or provide guidance in order to develop and recommend ordinances, resolutions, and/or building code changes that support the adopted Comprehensive Plan and other visioning documents approved by the City Council. The Board will operate under a clear Scope of Work or Outline that will be amended as needed.
- b. All recommendations will consider how all citizens within the City are impacted, including black, indigenous, and persons of color, and persons of all abilities.
- c. All recommendations will be routed to the city council or the planning commission based on staff recommendation.
- d. The CityLab Board, when requested by the mayor or the city council, shall consider, investigate, make findings, report, and recommend upon any special matter of question coming within the scope of its work.

7. Operation.

The board shall select a chairperson, ~~and keep a record of its proceedings. The board shall meet at least quarterly but no more than monthly. The CityLab Board will meet on an as needed basis. A majority of the members shall be a quorum for the transaction of business.~~ A city staff member will attend and support all meetings. ~~The CityLab Board shall be considered a public agency and shall observe the laws relating thereto, primarily those set forth in the Washington Open Public Meetings Act, RCW 42.30 and the Washington Public Records Act, RCW 42.56.~~

D. Board of Appeals.

1. Purpose and intent.
 - a. All properly filed appeals pursuant to the adopted building codes in WSMC [Title 15](#) shall be heard by the board of appeals created by this code. The board shall have no authority to review administrative decisions or grant modifications to the provisions of any administrative chapter as adopted by [Title 15](#), nor can the board waive a code requirement.
 - b. The board of appeals shall hear appeals from the building official's interpretation of the adopted building codes, determinations of suitable alternative methods and materials, and any other appeal delegated to a board of appeals pursuant to the state building codes, including but not limited to the International Building Code, the International Residential Code, the International Mechanical Code, the Uniform Plumbing code, the International Fire Code, the Ventilation and Indoor Air quality code, the Washington State Energy code, the Uniform Code for the Abatement of Dangerous Buildings, and any and all other codes adopted pursuant to the direction and authority of Chapter 19.27 RCW.
 - c. The provisions of the state building codes as adopted by the city are not intended to prevent the use of any material, alternate design of construction not specifically prescribed by those codes, provided any alternative has been approved and its use authorized by the building official or on appeal or request for review by the board of appeals.
 - d. In the event that there is an inconsistency between the terms of the building codes adopted by the city and the terms of this code, the terms in this code shall prevail.
2. Creation and establishment. There is hereby established a City of White Salmon Board of Appeals to consist of three members who are qualified by experience and training to pass upon any order, decision or determination of the city building official. The technical expertise of board members shall be supplied through training or experience as an architect, builder, general contractor, developer, fire inspector, mechanical engineering, electrician, plumber, or structural engineer. The board members shall be active, practicing members of one of the prior listed disciplines or professionals and shall reside in Klickitat or Skamania County.
3. Term of office. The members shall be appointed by the mayor and approved by the city council upon application duly made and presented and shall serve for a term of three years.
4. Board of appeals procedures.
 - a. The board of appeals shall convene at such time as it is necessary to address matters to be heard under WSMC [Section 15.04.025](#) and IBC Section 113.

- b. Executive sessions. Executive sessions of the board may be called pursuant to the State Open Public Meetings law by the chair or vice chair of the board and are not open to the public.
 - c. Public notice. Public notice shall be given of all meetings. No hearing shall be scheduled until fifteen calendar days after the required hearing notifications are mailed. Meetings are open to the public.
 - d. Department/interested party. At any public meeting, representatives from the city and any other interested party may appear in person, by agent or by attorney, offer evidence and testimony and cross-examine witnesses. All evidence and testimony shall be presented publicly. The board may take judicial notice of facts to the same extent and in the same manner as courts of record and may consider relevant facts within the personal knowledge of any member of the board that are stated into the record by such member.
 - e. Recording. All meetings before the board shall be recorded.
 - f. Compensation. The board shall receive no compensation regardless of the number or type of cases heard.
 - g. Removal. Board members shall be removed from office by the city council prior to the end of their terms for just cause. Any member who is unavailable for three consecutive appeal hearings shall be automatically removed.
 - h. Conflict of interest. Members with a material or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters. The appearance of fairness doctrine as now codified or as hereafter amended by the state of Washington shall apply to board proceedings.
5. Power and duties of the board.
- a. The board may adopt rules and procedures governing all proceedings consistent with the provisions set forth herein. The rules and regulations may include meeting location, meeting time, procedures, content of a complete appeal application and time to be allotted for each case.
 - b. Burden of proof.
 - i. The appellant bears the burden of proof in any proceeding before the board. If there is insufficient evidence of compliance with any of the provisions of the code or evidence that any material or construction does not conform to the requirements of the code, the appeal from the building official shall be denied.
 - ii. The board may continue any proceeding in order to permit the appellant to provide proof of compliance through tests conducted in accordance with general engineering practice and best scientific evidence. Such tests shall be made by the appellant and at no expense to the city. Test methods shall be as specified by the applicable building code or by other recognized testing standards. If there are not recognized and accepted test methods for the

proposed alternate, testing method shall utilize generally accepted engineering practice and best scientific method. Reports of such tests shall be retained and made a part of the record of the proceedings.

- c. Decision of the board.
 - i. The board shall render formal written decisions within fifteen business days of the date of the hearing. Every decision of the board shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The building official shall take immediate action in accordance with the decision of the board.
 - ii. Copies of the decision shall be forwarded to the appellant, or their attorney of record, a copy shall be placed in the appeal file and copies shall be made available to any person as a matter of public information. Decisions shall be filed with the building department as a matter of public record.
- d. Appeals from decisions of the board.
 - i. The filing of a land use petition for review shall not stay proceedings upon the decision appealed, but the court may grant a stay in accordance with the Land Use Petition Act.
 - ii. All decisions of the board may be appealed pursuant under the Land Use Petition Act to the Klickitat County Superior Court.

SECTION 2. White Salmon Municipal Code Chapter 2.21 – Hearing Examiner is amended as follows:

Chapter 2.21 - HEARING EXAMINER

2.21.010 - Created—Powers and duties.

A. There shall be a hearing examiner for the city. Known as the "City of White Salmon Hearing Examiner," the position is established to provide an efficient and effective administrative adjudicatory system for acting upon quasi-judicial matters and reviewing contested administrative determinations.

~~**B. Except for amendments to the comprehensive plan, zoning code or zoning map, the hearing examiner may be empowered to hear and decide any adjudicative land use proceeding or appeal arising from White Salmon Municipal Code Titles 16, Land Divisions, 17, Zoning, and 18, Environment.**~~

B. Pursuant to RCW 35A.63.170, the City of White Salmon Hearing Examiner is vested with the authority to:

i. Hold public hearings and make final decisions concerning conditional use permits and variances to zoning ordinances. In making final decisions concerning conditional use permits, variances to the zoning ordinances, and home occupation permits, the hearing examiner shall be acting as the board of adjustment under Chapter 17.80 of the White Salmon Municipal Code.

ii. Except for amendments to the comprehensive plan, zoning code or zoning map, the hearing examiner may be empowered to hear and decide any adjudicative land use proceeding or appeal arising from White Salmon Municipal Code Titles 16, Land Divisions, 17, Zoning, and 18, Environment.

- C. When performing its role as the city's adjudicative or appellate authority, the hearing examiner shall have the same powers and duties as are granted to the adjudicative or appellate authority the hearing examiner is empowered to replace.
- D. The hearing examiner shall adopt rules concerning procedures for scheduling and conduct of hearings and as otherwise related to the duties of the office, not inconsistent with the terms of this chapter.

2.21.020 - Appointment—Removal.

- A. The hearing examiner shall be appointed by the mayor and confirmed by the council. Appointments may occur on a case-by-case basis or for longer terms not to exceed three years.
- B. The party appointed to serve the city in this role must be an experienced attorney, with expertise presiding over hearings often involving private citizens without counsel, in matters typically addressing land use, planning, code enforcement, and development issues. The examiner must be familiar with due process, appearance of fairness rules, applicable Washington State law and become familiar with the City of White Salmon development codes and other relevant codes, ordinances, regulations and policies.
- C. The hearing examiner may be removed by the council at any time. Upon request of the hearing examiner proposed for removal, the council may hold a hearing on the removal before it becomes effective.
- D. Vacancies in the hearing examiner position shall be filled as soon as possible.

2.21.030 - Optional use of hearing examiner.

After consultation with the planning administrator, the council may, in its discretion, elect to use the hearing examiner in lieu of the council, planning commission, or board of adjustment for adjudicative or appellate land use proceedings. Except regarding decisions below, code provisions relating to the council, to the planning commission, or to the board of adjustment as an adjudicative body (including on remand) shall be construed as including the alternate use of the hearing examiner, where applicable.

2.21.040 - Challenges to optional use of hearing examiner.

- A. Prior to any hearing on a matter, a party may file an affidavit, which is a sworn statement in writing and under oath, challenging the city council's optional use of the hearing examiner.
- B. The hearing examiner shall rule on the affidavit prior to making other rulings and prior to the hearing.
- C. The hearing examiner may remand the matter back to the city council to reconsider the use of the adjudicative or appellate authority the council originally empowered the hearing examiner to replace.

2.21.050 - Conflict of interest.

The hearing examiner shall not conduct or participate in any hearing or decision in which they have a direct or indirect personal interest, which might exert such influence upon the examiner that might improperly interfere with the decision-making process. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict and the examiner shall abstain from any further proceedings in the matter unless all parties agree in writing to have the matter heard by that hearing examiner.

2.21.060 - Disqualification of hearing examiner.

- A. Prior to any hearing on a matter, a party may file an affidavit, which is a sworn statement in writing and under oath, stating that such party cannot have a fair and impartial hearing by reason of the hearing examiner's personal bias or prejudice.
- B. The hearing examiner shall rule on the affidavit only after ruling on a challenge brought under [Section 2.21.050](#), above and prior to making other rulings and prior to the hearing.
- C. The hearing examiner may enter an order of disqualification to in the event of personal bias or prejudice or to preserve the appearance of fairness.

2.21.070 - Legal counsel for hearing examiner.

General legal advice to the hearing examiner will be provided by the city attorney, except that in a contested case where the city will be represented by the city attorney, the mayor with input from the city council may appoint independent counsel to render legal advice to the hearing examiner, the cost of which shall be borne by the city.

2.21.080 - Noninterference in performance of duties.

No person shall attempt to interfere with or improperly influence the hearing examiner in the performance of designated duties. This provision shall not prohibit the city attorney from providing legal advice to the hearing examiner.

2.21.090 - Decisions—Hearing examiner conduct.

Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of the hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

2.21.100 - Decisions—Finality and appeals.

The action by the hearing examiner on a matter shall be final and conclusive unless an appeal is timely filed in accordance with RCW 36.70C, Judicial Review of Land Use Decisions.


2.21.110 - Fees.

Each application brought before the hearing examiner shall be accompanied by payment of a fee which shall be set by resolution of the city council.

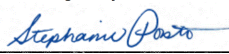
SECTION 3 – SEVERABILITY. If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Chapter.

SECTION 4– EFFECTIVE DATE. This ordinance shall take effect five days following the date of its publication by summary.


Passed by the **PASSED** by the City Council of the City of White Salmon at a regular meeting this 20th day of December 2023.

DocuSigned by:

361DCEFE6E04421...
Marla Keethler, Mayor

ATTEST:

DocuSigned by:

F5160DB6A85C4B3...
Stephanie Porter, Clerk/Treasurer

APPROVED AS TO FORM:

DocuSigned by:

8D43A75E83504E9...
Shawn MacPherson, City Attorney