



White Salmon City Council Meeting

A G E N D A

February 07, 2024 – 6:00 PM

WHITE SALMON LIBRARY, 77 NE Wauna Ave

and Zoom Teleconference

Meeting ID: 847 6451 6124

Call In: 253 215 8782 US (Tacoma)

Zoom Link: <https://us02web.zoom.us/j/84764516124>

I. Call to Order, Land Acknowledgement, and Presentation of the Flag

II. Roll Call

III. Changes to the Agenda

IV. Presentations

- A. Lower White Salmon Vision Plan
- B. Black History Month Presentation
- C. Mayor's Update

V. Public Comment

Any public in attendance at the meeting (either in person or via Zoom) will be provided an opportunity to make public comment of a general nature in the time allotted. No registration is required. Each person will be allowed three minutes for comment.

VI. Consent Agenda

- A. Emergency Small Work Contract - SERVPRO Disaster Recovery Team
- B. Interlocal Agreement - Klickitat County - Dispatch Services
- C. Personal Services Contract Amendment - Aspect Consulting - Slow Sand Filter Project
- D. Personal Services Contract - Structura Naturals - Middle Housing Grant Consulting
- E. Resolution 2024-02-585 Declaring April Mental Health Awareness Month
- F. Resolution 2024-02-586 Declaring Sole Source Provider for Pump Maintenance
- G. Resolution 2024-02-587 Adopting the Fire Fighter Officer Pay
- H. Small Works Contract Amendment - Gorge Dirt Works - Snow Removal
- I. Small Work Contract - Park & Ride Thermostat Relocation - Coburn Electric
- J. Approval of Special Meeting Minutes- January 19, 2024
- K. Approval of Vouchers

VII. Business Items

A. Public Meeting - Annexation WS-ANX-2024-001 - Intent to Annex

- 1. Presentation
- 2. Applicant Presentation
- 3. Discussion
- 4. Action

B. Ordinance 2024-01-1158 Amending WSMC Title 19 Administration of Land Development: Chapter 19.10 and Chapter 19.20

- 1. Presentation
- 2. Public Hearing
- 3. Discussion and Action

C. Ordinance 2024-01-1159 Amending WSMC Chapter 17.80 Conditional Uses, Variances, and Appeals

- 1. Presentation
- 2. Public Hearing
- 3. Discussion and Action

VIII. Reports and Communications

[A.](#) Department Head Reports

B. Council Member Reports

[C.](#) Committee Reports

IX. Executive Session (if needed)

X. Adjournment

File Attachments for Item:

A. Emergency Small Work Contract - SERVPRO Disaster Recovery Team



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed
 Meeting Date: February 7, 2024
 Agenda Item: Emergency Small Work Contract – SERVPRO Disaster Recovery Team – Council Chamber/Fire Hall Water Damage
 Presented By: Stephanie Porter, Clerk Treasurer

Action Required:

Review and retroactive approval of the Small Work Contract with SERVPRO Disaster Recovery Team for clean-up of the water damage caused by a leaking urinal in the Fire Hall men’s bathroom.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to approve Emergency Small Work Contract with SERVPRO Disaster Recovery Team for repair of the water damage at the Fire Hall in an amount not to exceed (\$ amount will be provided as soon as a contract is completed) to be paid from the Fire Reserve Fund.

Explanation of Issue:

During the removal of the council chamber carpets the Public Work Department discovered water damage in the front hallway. Upon inspection, it was discovered that the urinals in the men’s restroom had been leaking for an unknown amount of time creating water damage and mold growth in the sub floor of the chamber hallway, men’s restroom and wall between.

The Mayor declared an emergency on January 24, 2024 waiving the competitive bidding requirements for the mold mitigation and repair needed to the flooring in the chambers, the men’s restroom and the wall between the 2 locations.

The public works team reached out to local contractors however, they were not listed on the Small Works Roster. After reviewing the approved Small Works Roster, SERVPRO Disaster Recovery Team from Yakima was contacted and came to survey the damage on January 30, 2024.

Staff are awaiting the quote from SERVPRO for the repairs. Once received staff will enter into a Small Works Contract (draft attached) with SERVEPRO to complete the restoration. Work is estimated to begin on Monday, February 5, 2024 as long as all necessary documentation is received and completed.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

The 2024 budget does not contain allocated funding for this project. Approval of this repair would require an additional allocation from the Fire Reserve Fund to pay for the emergency repairs.

DEI & Stakeholder Analysis:

The repair and maintenance of the city hall buildings benefits all residents of the City of White Salmon. The Fire Hall is often used as a Warming or Cooling shelter during extreme weather and the maintenance of the building is imperative to make sure that all who use it are safe.

Policy & Plan Implications:

There are no direct policy or Plan impacts with this repair.

Recommendation of Staff/Committee:

Staff recommends approving Emergency Small Work Contract with SERVPRO Disaster Recovery Team.

**PUBLIC WORKS AGREEMENT
EMERGENCY CONDITION
Single Craft/Trade \$40,000 or less – Multiple Craft/Trade \$65,000 or less, including sales tax**

Contract #: SWC 2024-002	WO#: Emergency Water Damage Repair and Mold Rem.
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Contractor:	SERVPRO Disaster Recovery Team	Department:	Public Works
Name:	SERVPRO Disaster Recovery Team	Date:	February 1, 2024
Address:	14224 Pioneer Way E	Department Contact:	Andrew Dirks
	Puyallup, WA 98372	Phone:	(509) 493-1133 ext 500
Phone:	253-848-0800	Fax:	N/A
Fax:	N/A	Email:	andrewd@whitesalmonwa.gov
Email:	gsorensen@servpropuyallup.com		

Declaration of Emergency per RCW 39.04.280(2)(b) (attach additional sheets and documentation as required):
Emergency Proclamation 2024-002 attached.

Insurance and Indemnification: The Contractor shall defend, indemnify, and hold the City and all of its employees harmless from any and all liabilities, claims, damages, costs or expenses (including reasonable attorneys’ fees) arising from or relating to the work performed under this Agreement to the extent of the Contractor’s negligence. The Contractor waives, with respect to the City, its immunity under industrial insurance, Title 51 RCW. This waiver has been mutually negotiated by the parties. This indemnification shall survive the expiration or termination of this Agreement. Contractor shall secure and maintain, at its own cost and expense, Comprehensive General Liability and Property Damage insurance in the amount of not less than \$1,000,000 for death or injury in any one occurrence and \$1,000,000 for property damage in any one occurrence which provides, at a minimum, the following coverage:
Premises and Operation; Explosions, Collapse and Underground Hazards (Where Applicable); Products/Completed Operations; Contractual Liability; Broad Form Property Damage; Independent Contractors; and Personal Injury.
Contractor shall secure and maintain, at its own cost and expense, Comprehensive Auto Liability insurance in the amount of not less than \$1,000,000 per occurrence which provides, at a minimum the following coverages:
Owned Vehicles; Non-Owned Vehicles; Hired Vehicles; Property Damage.
This coverage shall be issued from an insurance company authorized to do business in the State of Washington. The City shall be named as additional insured on said insurance coverage at least as broad as ISO CG 20 10 10 01 in a form acceptable to the City Attorney. The Contractor agrees to repair and replace all property of the City and all property of others damaged by the Contractor, Contractor’s employees, subcontractors, and agents. It is understood that the whole of the work under this contract is to be done at the Contractor’s risk and that the Contractor is familiar with the conditions of materials, climatic conditions, and other contingencies likely to affect the work and has made their bid accordingly and that the Contractor will assume the responsibility and risk of all loss or damage to materials or work which may arise from any cause whatsoever prior to completion.

Warranties: If within one year after the completion date of the Work, defective and unauthorized Work is discovered, the Contractor shall promptly, upon written order by the City, return and in accordance with the City’s instructions, either correct such work, or if such Work has been rejected by the City, remove it from the site and replace it with non-defective and authorized Work, all without cost to the City.

Nondiscrimination: The Contractor shall comply with all applicable federal and state laws, and city ordinances, for equal employment opportunity and nondiscrimination laws.

Gifts: The City’s Code of Ethics and Washington State law prohibit City employees from soliciting, accepting, or receiving any gift, gratuity or favor from any person, firm or corporation involved in a contract or transaction. To ensure compliance with the City’s Code of Ethics and state law, the Consultant shall not give a gift of any kind to City employees or officials.

Business License: The Contractor is required to submit proof of a City business license (\$50) within ten (10) days of contract award. Failure to provide proof of a business license may delay payment of invoices.

Payment Processing: The City shall pay the Contractor after final acceptance of each work order within 30 days of submittal of the invoice provided the City has received approved L&I forms.

Prevailing Wages: This contract is subject to prevailing wages according to RCW 39.12.020. Contractor shall file an Intent to Pay Prevailing Wage form and Affidavit of Wages Paid form with L&I and pay for all fees associated with filing the forms. Contractor shall submit the Intent and Affidavit forms, approved by L&I, to the City with payment request. No payment will be issued to the Contractor until the City receives both approved forms. If any work is subcontracted on this project, an approved Intent and Affidavit form must be submitted for each sub-contractor. If progress payments are made on this project, an approved Intent form must be received prior to issuing the first payment. An approved Affidavit form must be received prior to issuing final payment.

Bonds/Retainage: No Bid Bond is required. Contract Bond is required. For projects with an estimated total cost of less than \$35,000, the contractor may elect to a 50% retainage in lieu of a Contract Bond. Retainage is required.

Industrial Insurance Status: Contractor is responsible for maintaining a current status of their industrial insurance premiums with the Department of Labor and Industries (L&I). Prior to issuing final payment, the City will verify with L&I the status of the contractor’s premiums. Under RCW 60.28 the City can withhold and pay the contractor’s delinquent premiums from the final payment.

A.

Completion Date: February 29, 2024	Total Contract Fixed Price (Including Tax): \$ according to proposal attached as Exhibit A.
	<i>OR</i>
	Not to Exceed Total (Including Tax applying schedule of rates and charges attached as Exhibit A: \$ _____
Description of Work: Emergency Water Damage Repair and Mold Remediation according to proposal attached as Exhibit A.	
The contractor should send invoices to the following address: PO Box 2139, White Salmon WA 98672. Unless otherwise agreed, payment is net 30 days less retainage.	
Note:	
The contractor shall not start work until the City orally provides a Notice to Proceed. This agreement shall terminate without cost if a Notice to Proceed is not issued within 60 days. The City will not issue a Notice to Proceed before approved evidence of insurance is received.	
<u>Contractor:</u>	<u>City Department Approval:</u>
_____	_____
(Signature) _____ (Date) _____	(Signature) _____ (Date) _____
Print Name _____	Print Name <u>Andrew Dirks</u>
Approved as to form:	
_____	_____
City Attorney _____ (Date) _____	
Approved by Council: February 7, 2024	
Motion: I move that the Council ratifies the Emergency Contract between SERVPRO Disaster Recovery Team and the City of White Salmon for Emergency Water Damage Repair and Mold Remediation, and finds that the declaration set forth on page 1 of the contract existed requiring an emergency public work.	
Distribution Account Codes: _____ - _____ Program Object	

A.

City of White Salmon
Office of City Hall



RE: Emergency Proclamation 2024-002

January 24, 2024

On January 24, 2024 the City of White Salmon public works department discovered water damage and black mold in the Council Chamber Hallway after the carpet was removed for replacement.


An emergency is present that necessitates the utilization of emergency powers. To properly access appropriate services and equipment in a timely manner the City may need to waive competitive bidding required and award all necessary contracts on behalf of the city to properly address the incident.

I, Marla Keethler, Mayor declare an emergency as defined by RCW 39.04.280(3) due to the unforeseen nature of the situation described in the first paragraph, above, and the immediate public health risks.

Pursuant to the emergency declared, the City Public Works Department is authorized to enter into contract(s) and incur obligations to address such emergency with approval by the City Administrator. Emergency measures may include, but is not limited to, the purchase of supplies and the hiring contractors for repair of the subflooring, drywall, bathroom flooring and urinals.

The declaration of a local emergency shall terminate when in the Mayor's judgment, the emergency measures contained herein are no longer required to safeguard property and public health.

Signed this 24th day of January 2024.

DocuSigned by:

361DCEFE6E64421...
Marla Keethler, Mayor
City of White Salmon

File Attachments for Item:

B. Interlocal Agreement - Klickitat County - Dispatch Services



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

CITY COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed.
 Meeting Date: February 7, 2024
 Agenda Item: Interlocal Radio System Use and 911 Dispatch Services Agreement
 Presented By: Mike Hepner, Police Chief

Action Required:
 Approval of the Interlocal Radio System Use and 911/Dispatch Service Agreement. This agreement is valid from March 1, 2024 to February 28, 2025.

Motion for Business Item / Proposed Motion for Consent Agenda:
 Motion to approve the Service Agreement with Klickitat County Department of Emergency Management in the amount of \$35,821.57.

Explanation of Issue:
 Klickitat County Department of Emergency Management requires the city to enter an agreement for 911 and dispatch services annually. The agreement provides the city with public safety radio system use, provides 911 and dispatching services, answering after hours non-emergent calls for service, teletype services, computer aided dispatching service and use of the county law enforcement records management system.

This agreement only has a few minor changes as past years, these changes only provide better clarification of the type of services the agreement provides.

- Council Options:**
 City Council has the following options available at this time:
1. Accept the Staff Recommendation.
 2. Revise the Staff Recommendation.
 3. Refer this issue back to staff for additional work.
 4. Take No Action
 5. Other action as desired by council.

Fiscal Analysis:
 The adopted 2024 budget contains \$35,821.57 for this purpose. This is a 3% increase from the prior agreement for 911 and dispatch services with Klickitat County Department of Emergency Management.

DEI & Stakeholder Analysis:
 This agreement allows dispatch services for all residents including Fire and Police. This service is imperative to the response of the Police and Fire Department to residents who need assistance.

B.

Policy & Plan Implications:

There are no direct Policy or Plan impacts with this contract. It does head to the overall goal of the best possible emergency response for the residents of White Salmon.

Recommendation of Staff/Committee:

Staff recommends the council approve the Agreement.

Follow Up Action:

There is no follow up at this time.

INTERLOCAL RADIO SYSTEM USE AND 9-1-1/DISPATCH SERVICES
AGREEMENT

The KLICKITAT COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT, a political subdivision of the State of Washington, herein after referred to as (COUNTY) and the CITY OF WHITE SALMON, municipal corporations of the State of Washington, herein after referred to as (CITY) enter into the following Agreement:

WHEREAS, to achieve efficiency and economy in local government, the CITY desires to contract with the COUNTY for radio system use, dispatching, 9-1-1 call taking, answering after hours non-emergent telephone calls for service, teletype services, law enforcement records management system use; and,

WHEREAS, the COUNTY has a public safety radio system, 9-1-1/dispatch center, software licenses and equipment, and personnel capable of performing and efficiently providing such services to the CITY; and,

WHEREAS, both parties are specifically authorized under the Interlocal Cooperation Act (RCW 39.34) to enter into an agreement for such services; and,

WHEREAS, it is necessary and desirable that such an agreement be executed; THEREFORE, the parties agree as follows:

1. The COUNTY agrees:
 - a. To provide public safety radio system use for police, fire, and EMS units of the CITY according to the Klickitat County Emergency Management Radio Use Policy.
 - b. To provide 9-1-1/Dispatching service, including police, fire, and EMS radio dispatching, 9-1-1 call taking, answering of afterhours non-emergent telephone calls for service (not to include administrative calls), teletype services, Computer Aided Dispatching service and use of the COUNTY law enforcement records management system; Law module and Mobile module to the CITY, services as described in the ACCESS Inter-Agency Agreement and 24x7 Hit Confirmation Agreement. The COUNTY shall perform and provide these services in the same manner and with the same quality as with its own employees or agencies.
 - c. To furnish personnel, radio dispatch equipment, 9-1-1 telephone system equipment, and a public safety radio system necessary to accomplish these services.

2. The CITY agrees:
 - a. To pay for the services under the terms set forth in Paragraph 3d.
 - b. To be responsible for compliance with RCW 10.97 and 13.50, CJIS security policies and audits and all Federal laws regarding records received from the COUNTY, NCIC, or WACIC.
 - c. To comply with and enforce the COUNTY's policy and procedures as they pertain to Radio System Use, Computer Aided Dispatching (CAD) and Records Management System (RMS) policies, and COUNTY cyber security policies.
 - d. To be responsible for the cost of all equipment, installation and implementation of any additional radio or phone equipment, phone lines, other specialized communication equipment or computer software the CITY requests.

3. The CITY and COUNTY agree:
 - a. This agreement creates an independent contractor relationship. All liability for salaries, employee benefits, capital equipment costs, and repair and maintenance, except those requested by the CITY per Paragraph 2d, are wholly the responsibility of the COUNTY. However, if it becomes necessary to staff or employ additional personnel in COUNTY dispatch due solely to a major incident or event of which the CITY police and/or fire department shall have responsibility, then the CITY shall be responsible for the salaries for the additional personnel including, but not limited to overtime pay and part-time and temporary personnel. Pursuant to this paragraph, the Chief of Police and Fire Chief for the CITY and the Emergency Management Director of the COUNTY shall establish and promulgate protocols for use in the COUNTY Radio System and 9-1-1/Dispatch center in the event of a major incident or event.
 - b. The COUNTY agrees to indemnify and hold harmless the CITY for all liability arising from intentional or negligent acts by COUNTY employees and to defend and secure the CITY from all costs or damages arising from such acts. The CITY agrees to indemnify and hold harmless the COUNTY for all liability arising from the intentional or negligent acts by CITY employees and to defend and secure the COUNTY from all costs or damages arising from such acts.
 - c. The parties agree that any disputes arising out of this agreement shall be governed by the following dispute resolution process. Should a dispute arise the parties shall, in the following order:

1. Attempt in good faith to resolve the dispute through communication between department heads, defined as the Chief of Police and the Emergency Management Director.
 2. Should the matter not be resolved between the Chief and the Emergency Management Director, it shall be referred to the Mayor and the Chair of the County Commissioners or his/her designee for resolution.
 3. Should the matter not be resolved between the Mayor and the Chair, the parties shall appoint a neutral arbitrator, whom the parties shall pay for equally, and who shall informally investigate the issue and render a non-binding opinion stating the probable outcome of litigation. The arbitrator shall be an attorney or judge and not a resident of Klickitat County. The parties will then work in good faith to resolve the dispute with the information provided by the arbitrator.
 - d. The CITY shall pay the COUNTY \$35,821.57 for the period of March 1, 2024 through February 28, 2025 for services as stated in this agreement. On the first anniversary of the agreement and each anniversary of the agreement thereafter, the fee will increase by three percent (3%). The amount shall be invoiced each year and payment is due by March 1st of each year.
 - e. Payment shall be sent to:

Klickitat County Department of Emergency Management
199 Industrial Way
Goldendale, WA 98620
 - f. The parties further agree, and have specifically negotiated to waive their immunity under the State Industrial Insurance Act (RCW Title 51) to indemnify and hold each other harmless from any claims made against the other by the party's employees, agents, contractors, subcontractors or other representatives.
 - g. This Agreement is effective for three years from 12:00 a.m. on March 1, 2024 until 11:59 p.m. on February 28, 2027. Either party may terminate this agreement with not fewer than sixty (60) days prior written notice.
 - h. This Agreement may be reviewed by the parties prior to the termination date to consider possible terms of renewal.
4. Interlocal Cooperation Act Representations. This is an Interlocal Agreement under RCW 39.34. Pursuant thereto, the parties state as follows:

B.

City of White Salmon Interlocal Agreement for Radio System Use and 9-1-1/Dispatch Services
March 1, 2024 through February 28, 2027

- a. Duration. The duration shall be as set forth in paragraph 3g, above. Or as otherwise agreed to by the parties pursuant to the Agreement.
- b. Organization. No new entity will be created to administer this Agreement.
- c. Purpose. The purpose is to enable the CITY to utilize COUNTY services.
- d. Manner of Financing. The CITY intends to finance this Agreement through allocations between General Fund revenue and enterprise funds as determined by the City Administrator.
- e. Termination of Agreement. The parties shall have the right to terminate this Agreement as provided in paragraph 3g, above.
- f. Other. All terms are covered by this Agreement. No additional terms are contemplated.
- g. Selection of Administrator. The County Emergency Management Director shall be the Administrator for this Interlocal Agreement.
- h. Manner of Acquiring Property. This Agreement will not result in the acquisition of any property.

[Signatures appear on the next page]

B.

City of White Salmon Interlocal Agreement for Radio System Use and 9-1-1/Dispatch Services
March 1, 2024 through February 28, 2027

IN WITNESS WHEREOF, the parties here to have signed this agreement this _____ day of
_____, 2024

THE CITY OF WHITE SALMON
Klickitat County, Washington

BOARD OF COUNTY COMMISSIONERS

Mayor, City of White Salmon

Chairman, Dan Christopher

City Administrator

Commissioner, Jacob Anderson

Chief of Police

Commissioner, Lori Zoller

Fire Chief

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City of White Salmon Attorney

David R Quesnel
Klickitat County Prosecuting Attorney

ATTEST:

Clerk of the Board

In and for the County of Klickitat,
State of Washington

File Attachments for Item:

C. Personal Services Contract Amendment - Aspect Consulting - Slow Sand Filter Project



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed
 Meeting Date: February 7, 2024
 Agenda Item: Personal Services Contract Amendment – Aspect Consulting-
 White Salmon River Source Reliability Study
 Presented By: Stephanie Porter, Clerk Treasurer

Action Required:

Review and approval of the amendment to the Slow Sand Filter Project Task Order with Aspect Consulting to account for additional funding received from the Department of Ecology.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to approve amendment to the White Salmon River Source Reliability Study with Aspect Consulting with a total project not to exceed amount of \$275,200.

Background of Issue:

The White Salmon River Source Reliability Study includes analysis and design of water treatment alternatives, pilot testing, and planning and permitting considerations. Contract Change 18 between Aspect and the City, dated February 4, 2020, provided a total budget authorization to Aspect of \$245,000, which was funded by the referenced OCR grant (initially \$200,000), Yakama Nation (\$20,000) and the City (\$25,000).

Explanation of Issue:

The OCR grant was amended to address an expansion and change in the project scope and to provide an additional \$30,200 in funding to complete the additional work (for a total of \$230,200 under the referenced OCR grant). This Contract Change provides the additional budget authorization of \$30,200 provided by Grant Amendment 1 and presents the revised Scope of Work to be completed by Aspect.

Detailed Task and change amounts are presented in the amendment document.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

This project amendment will require a budget amendment that will increase the Department of Ecology Funding by \$30,200 and it will increase the total WS River Study line Item by \$30,200 which will balance out and not affect the ending cash balance.

DEI & Stakeholder Analysis:

The White Salmon River Source Reliability Study is an important study to determine the city's available steps forward to securing additional water sources and to be eligible for infrastructure funding from Federal and State entities. The increase in water security is an overall benefit to the residents of White Salmon and surrounding communities.

Policy & Plan Implications:

This study will allow the City of White Salmon to move forward with identifying and securing an additional water source which is noted in our Water System Plan.

Recommendation of Staff/Committee:

Staff recommends approving the Personal Services Contract Amendment with Aspect Consulting White Salmon River Source Reliability Study Project.

Contract Change

Client: City of White Salmon 100 N Main Ave White Salmon, WA 98672	Date: January 11, 2024
	Change No.: 19
	Project No.: AS090094-J
Project Name: White Salmon River Source Reliability Study	
Subject: Contract Change to Address 2023 Grant Amendment	

Description of Change	Cost															
<p>Geosyntec Consultants, Inc., dba Aspect Consulting (Aspect) is currently under contract to the City of White Salmon (City) to complete a Source Reliability Study that evaluates development of new municipal water supply from the White Salmon River (the White Salmon River Source Reliability Study). The study is funded under grant number WROCR-12910WhiSal-0014 from the Washington State Department of Ecology (Ecology) Office of Columbia River (OCR), and match funds from a Yakama Nation Grant and the City.</p> <p>The White Salmon River Source Reliability Study includes analysis and design of water treatment alternatives, pilot testing, and planning and permitting considerations. Contract Change 18 between Aspect and the City, dated February 4, 2020, provided a total budget authorization to Aspect of \$245,000, which was funded by the referenced OCR grant (initially \$200,000), Yakama Nation (\$20,000) and the City (\$25,000). The OCR grant was subsequently amended to address an expansion and change in the project scope and to provide an additional \$30,200 in funding to complete the additional work (for a total of \$230,200 under the referenced OCR grant).</p> <p>This Contract Change provides the additional budget authorization of \$30,200 provided by Grant Amendment 1 and presents the revised Scope of Work to be completed by Aspect, which consists of all elements of the scope of work under Amendment 2 to WROCR-12910WhiSal-0014, which is included as Attachment A.</p> <p>The budget authorizations by Task are summarized below. Task numbers are unchanged from Contract Change 18.</p>	<p>Time and Materials, not to Exceed \$275,200 for a total budget increase of \$30,200 from Contract Change 18.</p>															
<table border="1"> <thead> <tr> <th>Task</th> <th>CC18 (2/4/2020)</th> <th>CC19 (this Change)</th> </tr> </thead> <tbody> <tr> <td>Task 1 - Kickoff</td> <td>\$7,200</td> <td>\$7,200</td> </tr> <tr> <td>Task 2- Gather and Review Data</td> <td>\$22,600</td> <td>\$23,000</td> </tr> <tr> <td>Task 3 - Analysis of Treatment</td> <td>\$24,000</td> <td>\$24,000</td> </tr> <tr> <td>Task 4- Surface Water Pilot Study</td> <td>\$103,500</td> <td>\$133,700</td> </tr> </tbody> </table>	Task	CC18 (2/4/2020)	CC19 (this Change)	Task 1 - Kickoff	\$7,200	\$7,200	Task 2- Gather and Review Data	\$22,600	\$23,000	Task 3 - Analysis of Treatment	\$24,000	\$24,000	Task 4- Surface Water Pilot Study	\$103,500	\$133,700	
Task	CC18 (2/4/2020)	CC19 (this Change)														
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Task 4- Surface Water Pilot Study	\$103,500	\$133,700														

OFFICE LOCATIONS

WASHINGTON: [Bainbridge Island](#) | [Bellingham](#) | [Olympia](#) | [Seattle](#) | [Wenatchee](#) | [Yakima](#)

OREGON: [Bend](#) | [Portland](#)

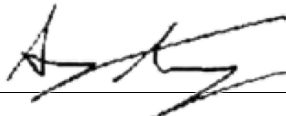
www.aspectconsulting.com

Task 5 - Preliminary Facility Siting	\$24,500	\$20,300
Task 6 - Pre-Permitting & Coordination	\$6,500	\$20,000
Task 7 - Preliminary Design	\$20,000	\$20,000
Task 8 - Preliminary Engineering	\$19,700	\$0
Task 9 - Coordination	\$17,000	\$27,000
Total	\$245,000	\$275,200

Note that due to the match commitments by the City and Yakama Nation for this project, some task budget authorizations exceed the budgets listed in the grant document. Details of the task budget authorization and match fund requirements are presented as Attachment B.

All work will be completed in accordance with the schedules presented in the Scope of Work under Attachment A, unless otherwise coordinated with Ecology.

This change amends the contract between Aspect Consulting and Client dated February 4, 2009. Except as amended above, all terms and conditions of contract apply to this contract change.

ASPECT CONSULTING	By: 
	Printed Name: Andrew Austreng, LHG Principal Hydrogeologist
CLIENT	By:
	Printed Name/Date:

V:\090094 2009 Water System Imprvmts-ASR Project\Contracts\Proposal Material\CC19_20240111_AS090094.docx

C.

Attachment A



AMENDMENT NO. 2
TO AGREEMENT NO. WROCR-1921-WhiSal-00014
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
CITY OF WHITE SALMON

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and City of White Salmon (RECIPIENT) for the White Salmon River Source Reliability Study (PROJECT).

This amendment is to rescope tasks 6, 7, 8, and 9, and the remaining grant funds to support these new tasks. This rescoping effort is based on feedback from the project Advisory Group, which includes Ecology, the Department of Health (DOH), Yakama Nation, and other local agencies. This amendment is also for a time extension to 6/30/2024 to allow sufficient time to complete this revised scope of work.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Expiration Date:

Original: 12/31/2022 Amended: 12/31/2024

CHANGES TO SCOPE OF WORK

Task Number: 3 Task Cost: \$23,000.00

Task Title: Gather and Review Project Data, Assess Suitability

Task Description:

Gather and review existing City, resource agency, and other relevant data; Identify any data gaps and immediate data needs; Conduct limited field reconnaissance of the proposed project area and location of proposed improvements; Incorporate data into GIS as needed; Complete an assessment of the integrity of available water quality data for the White Salmon River for use on this project. The Yakima Nation will provide an additional \$10,000 in funding for this task.

Task Goal Statement:

Prepare for and attend a data integrity meeting with the City and representatives from the Washington State Department of Health (DOH) to review findings from the data assessment and verify if the data is sufficient to complete an analysis of treatment system alternatives under Task 3.

Task Expected Outcome:

Complete an analysis of treatment system alternatives.

Recipient Task Coordinator: Dan Haller, Aspect Consulting

Deliverables

Number	Description	Due Date
3.1	Field work and safety plan (pdf format).	11/30/2020
3.2	Completed field notes, photos, inventory forms, etc.	11/30/2020
3.3	Project basemap and updated GIS data file.	11/30/2020
3.4	Draft and final water quality assessment memorandum (pdf format).	11/30/2020
3.5	Meeting materials and meeting minutes.	11/30/2020
3.6	Email summary to Advisory Group on conclusion of this phase of the project and next steps.	11/30/2020
3.7	Recommendation to funders on whether to move to Task 4 based on findings in Task 2 and Task 3.	11/30/2020

CHANGES TO SCOPE OF WORK

Task Number: 4 **Task Cost:** \$24,000.00

Task Title: Analysis of Treatment Requirements and Alternative

Task Description:

Evaluate source water conditions and finished water quality requirements to compare appropriate and applicable water treatment alternatives for the proposed new surface water source; Prepare a draft treatment alternatives memorandum with recommendation regarding a preferred treatment alternative and submit to the City and resource agency staff for review and comment; Review comments on the draft treatment alternatives memorandum and prepare preliminary responses; Schedule and hold a conference call with the City and resource agency staff to review comments and draft responses and obtain direction necessary to prepare the final memorandum. The Yakima Nation is providing an additional \$10,000 in funding for this task.

Task Goal Statement:

Revise and finalize the treatment alternatives memorandum and submit to DOH for approval.

Task Expected Outcome:

Determine whether the City’s preference for slow sand filtration for the new source can be met with the raw water quality data available, or if needed, through additional monitoring to characterize raw water conditions as described under Task 3.

Recipient Task Coordinator: Dan Haller, Aspect Consulting

Deliverables

Number	Description	Due Date
4.1	Draft and final treatment alternatives memorandum (pdf format).	01/31/2021
4.2	Recommendation to funders on whether to move to Taks 5 based on findings in Task 4.	01/31/2021

CHANGES TO SCOPE OF WORK

Task Number: 6 **Task Cost:** \$10,300.00

Task Title: Preliminary Facility Siting and Alternatives

Task Description:

Since the original scope was submitted and the 2017 Source Reliability Study was conducted, the landowners around the project area, including the selected pilot treatment site (referred to as Alternative 5A in the 2017 study), have changed. To address this change in conditions, this Task includes:

- Identifying the affected landowners from the County’s assessor database, followed by coordination with the affected landowners to determine alternatives.
 - Evaluating the willingness of landowners provide to temporary access to support the future pilot testing through an agreement, possibly with the Conservation Fund and/or PacifiCorp.
 - Developing a strategy for land acquisition and corridor easement needs. This will involve coordination with both the City of White Salmon to identify the preferred treatment plant location and White Salmon Irrigation District to identify existing easements. Following coordination, property acquisition and easement needs will be identified and outreach to landowners will take place through authoring letters of intent.
- An advisory group meeting to discuss findings and strategies will conclude this task.

Task Goal Statement:

Identify affected landowners in the project area and develop strategy for land acquisition and easement corridor support for additional Pilot Study access and future treatment plant location access.

Task Expected Outcome:

Obtain access agreements/strategy for pilot testing, and develop a strategy for land acquisition for the City’s preferred treatment plant location.

Recipient Task Coordinator: Dan Haller, Aspect Consulting

Deliverables

Number	Description	Due Date
6.1	Summary Figures and Tables presenting new land ownership	12/01/2023
6.2	Access agreement form	03/01/2024

CHANGES TO SCOPE OF WORK

Task Number: 7 **Task Cost:** \$20,000.00

Task Title: Pre-Permitting and Agency Coordination

Task Description:

This task will evaluate Federal Endangered Species Act Section 7 Permitting constraints regarding the USFS Wild and Scenic River Designation for portions of the White Salmon River and include the following subtasks:

- Review of statute and available permitting guidance documents. Following review of guidance and regulations,
- Consultation with White Salmon Irrigation District (WSID) to determine if they would like to be involved in the permitting consultation of this project.
- Prepare for and participate in up to three virtual consultation meetings with USFS and the US Army Corps of Engineers (USACE) to discuss permitting considerations.
- Preparation of supporting materials for permitting analysis (i.e. hydrologic analysis, renderings and visualizations of the project).
- Preparation of a brief memorandum that summarizes the combined results of Tasks 6 and 8 regarding project feasibility.

An Advisory Group meeting to summarize permitting strategies will be completed at the conclusion this task.

Task Goal Statement:

Develop a Section 7 permitting strategy through engagement with USACE and USFS and prepare relevant supporting materials for permitting analysis.

Task Expected Outcome:

This task will conclude with a determination of whether Section 7 permitting poses a fatal flaw to the project at specific locations. This will be determined through meetings with the relevant agencies (USACE, USFS) and be detailed in a memorandum at task conclusion.

Recipient Task Coordinator: Dan Haller, Aspect Consulting

Deliverables

Number	Description	Due Date
7.1	Final Memo describing Task 6 and 8 Results	06/30/2024

CHANGES TO SCOPE OF WORK

Task Number: 8

Task Cost: \$20,000.00

Task Title: Preliminary Design

Task Description:

This task will focus on preparing a workplan for a future pilot test based on feedback from the Stakeholder group and DOH. The workplan will identify alternatives to the pilot treatment system design to address the conditions observed during the Task 5 test. Workplan elements will include alternatives for pretreatment (roughing filter design), location, power supply, operations and maintenance, and support needed from the City, along with other test design considerations.

The workplan will be submitted as a technical memorandum to DOH for comments. After incorporating DOH comments, the workplan will be shared with the Advisory Group and a coordination meeting will take place. An advisory group email update to summarize strategies will be prepared at the conclusion of this task.

Task Goal Statement:

Develop a Pilot Study Workplan that incorporates previous DOH comments and present summary to the Stakeholder Group.

Task Expected Outcome:

Develop a workplan which outlines study goals and objectives and alternatives for future testing. The workplan will incorporate comments from DOH.

Recipient Task Coordinator: Dan Haller, Aspect Consulting

Deliverables

Number	Description	Due Date
8.1	Final Workplan	05/01/2024

CHANGES TO SCOPE OF WORK

Task Number: 9 **Task Cost: \$0.00**

Task Title: Preliminary Engineering Report

Task Description:

Prepare a draft preliminary engineering report to summarize agency regulations; design criteria; approach and methodology; raw water characteristics; treatment alternatives considered and preferred alternative selected; results from the pilot study; preliminary engineering design assumptions, calculations, construction costs, and operational considerations; project permitting; etc.

Task Goal Statement:

Prepare scope and budget for next phase of work and summarize remaining data gaps.

Task Expected Outcome:

No work or deliverables will be completed under this task due to rescoping of Tasks 6 to 8.

Recipient Task Coordinator: Dan Haller, Aspect Consulting

Deliverables

Number	Description	Due Date
9.1		

C. of White Salmon

White Salmon River Source Reliability Study Project

Agreement No. WROCR-1921-WhiSal-00014

DRAFT

C.

Attachment B

Attachment B. Summary of CC18 and CC19 Task Budgets and Understanding of Funding Sources

Task (Number Corresponds to OCR Grant)	Initial Aspect Contract (CO18 - 2/4/2020)	Funding Sources for Aspect CO18 (2/4/2020)			Aspect Contract Change 19 (Jan 2024)	Funding Sources for Aspect CC19 (Jan 2024)		
		OCR ¹	City	Yakama Nation (YN)		OCR (amend 2) ²	City	Yakama Nation
Task 2 - Kickoff	\$ 7,200	\$ 7,200			\$ 7,200	\$ 7,200		
Task 3 - Gather and Review Data	\$ 22,600	\$ 12,600		\$ 10,000 (City did not apply to this task ³)	\$ 23,000	\$ 23,000		
Task 4 - Analysis of Treatment	\$ 24,000	\$ 14,000		\$ 10,000 (City did not apply to this task ³)	\$ 24,000	\$ 24,000		
Task 5 - Surface Water Pilot Study	\$ 103,500	\$ 108,700	\$ 25,000 (City did not apply match) ⁴	City applied YN grant funds to this task	\$ 133,700	\$ 108,700	\$ 5,000	\$20,000 (City previously reimbursed)
Task 6 - Preliminary Facility Siting	\$ 24,500	\$ 24,500			\$ 20,300	\$ 10,300	\$ 10,000	
Task 7 - Pre-Permitting & Coordination	\$ 6,500	\$ 6,500			\$ 20,000	\$ 20,000		
Task 8 - Preliminary Design	\$ 20,000	\$ 20,000			\$ 20,000	\$ 20,000		
Task 9 - Preliminary Engineering	\$ 19,700	\$ 19,700			\$ -	\$ -		
Task 10 - Coordination	\$ 17,000	\$ 17,000			\$ 27,000	\$ 17,000	\$ 10,000	
Total	\$ 245,000	\$ 230,200	25,000	\$ 20,000	\$ 275,200	\$ 230,200	\$ 25,000	

Highlighted cells indicate City funding match. The original commitment for the City's \$25k match was identified in Task 5 of the OCR Grant Agreement executed May 2020

1. This reflects the budget by task provided by OCR under grant amendment 1, which increased the budget of Task 5 by \$30,200. Aspect's contract dated 2/4/2020 reflected the original Task 5 budget in the OCR grant (\$78,500), plus the \$25,000 City match.
2. Reflects the budget allocated under Amendment 2 to the OCR grant in November 2023.
3. The City was reimbursed for \$20k of Aspect invoices through the Yakama Nation Grant under Task 5, rather than requesting the noted reimbursements under Tasks 3 and 4 that were reflected in Aspect's CC18.
4. Instead of applying match funds, the City was reimbursed under the Yakima Nation grant for Aspect billings.

File Attachments for Item:

D. Personal Services Contract - Structura Naturals - Middle Housing Grant Consulting



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:

Yes, completed

Meeting Date:

February 7, 2024

Agenda Item:

Professional Services Agreement w/Structura Naturalis, Inc. c/o Dr. Michael W. Mehaffy

Presented By:

Troy Rayburn, City Administrator
Stephanie Porter, Clerk Treasurer

Action Required:

Review and take action on Professional Services Agreement with Structura Naturalis, Inc. c/o Dr. Michael W. Mehaffy for continued assistance in implementing City Council’s Housing Action Plan.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to approve Professional Services Contract between the City of White Salmon and Structura Naturalis, Inc. for completion of the Department of Commerce Middle Housing Grant Deliverables in an amount not to exceed \$30,000.

Background of Issue:

In June 2023, Dr. Mehaffy and city staff completed the Housing Needs Assessment and Housing Action Plan. In addition, significant edits to the White Salmon Municipal Code, Chapter 17 relating to Zoning, were completed in late December 2023 and became effective January 2024. The Code changes brought land development into compliance with local and state objectives to increase development of different housing types to assist with a housing shortage.

Explanation of Issue:

The City secured a \$35,000 Middle Housing Grant from the Washington State Department of Commerce to financially offset ongoing assistance from Dr. Mehaffy. These funds will support continued assistance in implementing City Council’s Housing Action Plan. Near-term objectives include:

- Modify the city zoning map to better align with recent code changes and the 2021 Land Use Designation Map
- Changes to the review process for various planning applications
- Introduction of visual references to begin moving forward Form-Based Code
- Development and implementation of general development guidelines

Michael will work with the planning staff and administration to complete the deliverables required by the Middle Housing Grant as outlined in Exhibit B of the Contract.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

The Department of Commerce Middle Housing Grant Funding will provide the funding for this contract.

DEI & Stakeholder Analysis:

The approval of this contract will allow Dr. Mehaffy to lead the necessary changes to our housing codes to reduce the unnecessary requirements and increase housing stock and diversity that will support affordable and attainable housing.

Policy & Plan Implications:

Will allow City to continue with implementation of council approved Housing Needs Analysis, Housing Action Plan, and changes to the City's Municipal Code to assist in providing a broader and more diverse housing stock. Will address changes required by HB1100 that show the city is making all efforts to be in compliance with the GMA.

Recommendation of Staff/Committee:

Staff recommends approving the Professional Services Contract between the City of White Salmon and Structura Naturalis, Inc. for completion of the Department of Commerce Middle Housing Grant Deliverables in an amount not to exceed \$30,000.

PROFESSIONAL SERVICES AGREEMENT

BETWEEN
THE CITY OF WHITE SALMON, WASHINGTON
 AND
STRUCTURA NATURALIS, INC.

THIS AGREEMENT is made by and between the City of White Salmon, a Washington municipal corporation (the "City"), and Structura Naturalis, Inc (c/o Michael W. Mehaffy), a Washington based private business (the "Consultant").

RECITALS

WHEREAS, the City is presently desires that the Consultant perform services necessary to provide the following work and associated deliverables, in addition to consultation services; and

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work including any addenda thereto as of the effective date of this Agreement, all of which are attached hereto as **Exhibit A – Schedule of Rates and Estimated Hours**, and **Exhibit B – Housing Action Plan related White Salmon Municipal Code Updates Scope**, and are incorporated by this reference as if fully set forth herein;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. **Retention of Consultant - Scope of Work.** The City hereby retains the Consultant to provide professional services as defined in this Agreement and as necessary to accomplish the scope of work attached hereto as **Exhibit B** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. **Payment.**

A. The City shall pay the Consultant an amount based on time and materials, **not to exceed \$30,000** for the services described in Section 1 herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A** shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. The Consultant's staff and billing rates shall be as described in **Exhibit A – Schedule of Rates and Estimated Hours**. The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit A** or bill at rates in excess of the hourly rates unless the parties agree to a modification of this Contract, pursuant to Section 17 herein.

B. The Consultant shall submit monthly invoices to the City after such services

have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within 45 days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within 15 days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

3. Duration of Work. The City and the Consultant agree that work will begin on the tasks described in **Exhibit B- Scope of Work** immediately upon execution of this Agreement. The parties agree that the contract will be active through June 30, 2025; provided however, that additional time shall be granted by the City for excusable days or extra work. Further, the parties may extend the duration of this Agreement consistent with the terms of Section 17 below.

4. Termination. The City reserves the right to terminate this Agreement at any time upon ten (10) days written notice to the Consultant. Any such notice shall be given to the address specified above. In the event that this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for all services performed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the notice to terminate. In the event that services of the Consultant are terminated by the City for fault on part of the Consultant, the amount to be paid shall be determined by the City with consideration given to the actual cost incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which would satisfactorily complete it to date of termination, whether that work is in a form or type which is usable to the City at the time of termination, the cost of the City of employing another firm to complete the work required, and the time which may be required to do so.

5. Non-Discrimination. The Consultant agrees not to discriminate against any customer, employee or applicant for employment, subcontractor, supplier, or materialman, because of race, color, creed, religion, national origin, marital status, sex, sexual orientation, age or handicap, except for a bona fide occupational qualification. The Consultant understands that if it violates this provision, this Agreement may be terminated by the City and that the Consultant may be barred from performing any services for the City now or in the future.

6. Independent Status of Consultant. The parties to this Agreement, in the performance of it, will be acting in their individual capacities and not as agents, employees, partners, joint ventures, or associates of one another. The employees or agents of one party shall not be considered or construed to be the employees or agents of the other party for any purpose whatsoever.

7. Indemnification.

A. The Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers, harmless from any and all claims, injuries, damages, losses or suits including attorney's fees, arising out of or resulting from the negligent or wrongful acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

- B. In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees or volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

8. Insurance.

- A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.
- B. No Limitation. The Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.
- C. Minimum Scope of Insurance. The Consultant shall obtain at no cost to the City and maintain said insurance in force for the duration of this agreement, insurance of the types described below:
1. Professional Liability insurance appropriate to the Professional's profession.
- D. Minimum Amounts of Insurance. The Consultant shall maintain the following insurance limits:
2. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim.
- E. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:
1. The Consultant's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute to it.
 2. The City will not waive its right to subrogation against the Consultant. The Consultant's insurance shall be endorsed acknowledging that the City will not waive its right to subrogation. The Consultant's insurance shall be endorsed to waive the right of subrogation against the City, or any self-insurance, or insurance pool coverage maintained by the City.

3. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, unless thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
 4. If any coverage is written on a "claims made" basis, then a minimum of a three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period provided to the City.
- F. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII and licensed to conduct business in the State of Washington.
- G. Verification of Coverage. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

9. Ownership and Use of Work Product. Any and all documents, drawings, reports, and other work product produced by the Consultant under this Agreement shall become the property of the City upon payment of the Consultant's fees and charges, therefore. The City shall have the complete right to use and re-use such work product in any manner deemed appropriate by the City, provided, that use on any project other than that for which the work product is prepared shall be at the City's risk unless such use is agreed to by the Consultant.

10. City's Right of Inspection. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

11. Records.

- A. The Consultant shall keep all records related to this Agreement for a period of three years following completion of the work for which the Consultant is retained. The Consultant shall permit any authorized representative of the City, and any person authorized by the City for audit purposes, to inspect such records at all reasonable times during regular business hours of the Consultant. Upon request, the Consultant will provide the City with reproducible copies of any such records. The copies will be provided without cost if required to substantiate any billing of the Consultant, but the Consultant may charge the City for copies requested for any other purpose.
- B. Consultant acknowledges that the City is an agency governed by the public records disclosure requirements set forth in chapter 42.56 RCW. Consultant shall fully cooperate with and assist the City with respect to any request for

public records received by the City concerning any public records generated, produced, created and/or possessed by Consultant and related to the services performed under this Agreement. Upon written demand by the City, the Consultant shall furnish the City with full and complete copies of any such records within ten business days. Consultant's failure to timely provide such records upon demand shall be deemed a material breach of this Agreement. To the extent that the City incurs any monetary penalties, attorneys' fees, and/or any other expenses as a result of such breach, the Consultant shall indemnify and hold harmless the City as set forth in Section 7. For purposes of this section, the terms "public records" and "agency" shall have the same meaning as defined by chapter 42.56 RCW, as construed by Washington courts.

- C. The provisions of this section shall survive the expiration or termination of this Agreement.

12. Work Performed at the Consultant's Risk. The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and subconsultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

13. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

14. Resolution of Disputes and Governing Law.

A. Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Engineer or Director of Operations and the City shall determine the term or provision's true intent or meaning. The City Engineer or Director of Operations shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer or Director of Operations determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The prevailing party in any such litigation shall be entitled to recover its costs, including reasonable attorney's fees, in addition to any other award.

15. Written Notice. All notices required to be given by either party to the other under this Agreement shall be in writing and shall be given in person or by mail to the addresses set forth below. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, addressed as provided in this paragraph.

D.

CONSULTANT:
Structura Naturalis, Inc.
PO Box 2579
White Salmon, WA 98672

CITY:
City of White Salmon
PO Box 2139
White Salmon, WA 98672

16. Subcontracting or Assignment. The Consultant may not assign or subcontract any portion of the services to be provided under this Agreement without the express written consent of the City.

17. Entire Agreement. This Agreement represents the entire integrated agreement between the City and the Consultant, superseding all prior negotiations, representations or agreements, written or oral. This Agreement may be modified, amended, or added to, only by written instrument properly signed by both parties hereto. If extending the duration of the Agreement only, the parties may agree to such duration extension by written instrument approved and signed by the Consultant and by the City of White Salmon if all other terms of the Agreement are unchanged and remain in full force and effect for the entire new duration of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement this 7th day of February, 2024.

CONSULTANT: Structura Naturalis, Inc.

CITY OF WHITE SALMON

By: _____
Michael W. Mehaffy (Owner)

By: _____
Marla Keethler, Mayor

EXHIBIT A: SCHEDULE OF RATES AND ESTIMATED HOURS

Hourly rate = \$225.00/Hour (Michael Mehaffy)
Mileage rate = \$0.67/mile (standard IRS rate)
Travel hourly rate: ½ of regular rate (not anticipated to be necessary)

Estimated Hours (per month)

February 2024	12.0 hours, \$2,700.00
March 2024	12.0 hours, \$2,700.00
April 2024	12.0 hours, \$2,700.00
May 2024	12.0 hours, \$2,700.00
June 2024	12.0 hours, \$2,700.00
July 2024	12.0 hours, \$2,700.00
August 2024	12.0 hours, \$2,700.00
September 2024	12.0 hours, \$2,700.00
October 2024	12.0 hours, \$2,700.00
November 2024	12.0 hours, \$2,700.00
December 2024	12.0 hours, \$2,700.00
<u>Travel reimbursement (if required)</u>	<u>\$300.00</u>
TOTAL	\$30,000.00

EXHIBIT B – HOUSING ACTION PLAN - RELATED WHITE SALMON MUNICIPAL CODE UPDATES SCOPE

Objective: Funding resources to implement the City of White Salmon’s adopted 2023 Housing Action Plan, with a focus on zoning code reform to allow and incentivize middle housing. (Per Washington Department of Commerce grant, contract executed 1/12/24)

Deliverable 1. Adopted Middle Housing ordinances and policies. (By June 15, 2024)

Deliverable 2. Adopted regulations and processes, including graphical and “form-based” code standards. (y June 15, 2024)

Deliverable 3. Adopted regulations and fee structures, including streamlined and incentivized processes to expedite middle housing permitting and fees. (By June 15, 2025)

Deliverable 4. Adopted regulations and zoning ordinances. (By June 15, 2025)

File Attachments for Item:

E. Resolution 2024-02-585 Declaring April Mental Health Awareness Month



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed
 Meeting Date: February 7, 2024
 Agenda Item: Resolution 2024-02-585 Declaring April Mental Health Awareness Month
 Presented By: Stephanie Porter, Clerk Treasurer

Action Required:
 Review and action on Resolution 2024-02-585 declaring April as Mental Health Awareness Month in the City of White Salmon.

Motion for Business Item / Proposed Motion for Consent Agenda:
 Motion to adopt Resolution 2024-02-585 Recognizing Mental Health Awareness Month.

Background of Issue:
 Mental Health has been a topic of discussion frequently for the City Council and an area of concern for residents for multiple years. Mental Health Services in the gorge, and the country as a whole, have not been able to keep up with the increased need.

Explanation of Issue:
 May is the recognized Mental Health Awareness Month nationally. Community Development Committee reviewed and came to the consensus that April would be a more effective month for White Salmon to highlight Mental Health as May is already declared as 2 other Heritage celebrations.

The presented resolution would declare April as Mental Health Awareness Month in the City of White Salmon. Staff will collaborate with local non-profits such as CultureSeed (<https://www.cultureseed.org/>), National Alliance on Mental Illness (NAMI) Gorge Group (<https://www.nami.org/Home>), and WAGAP to highlight the available FREE services in our area. Ideally it would also the most impactful time to notify council and residents of events scheduled for the month of May, as the nationally recognized awareness month.

Council Options:
 City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:
 There is no financial impact.

DEI & Stakeholder Analysis:
 An increase in mental health awareness and services that are available for FREE in our area would have a positive effect on all residents but would especially cater to those who may not have health care or the ability to pay for services.

E.

Policy & Plan Implications:

There are no direct Policy or Plan implications.

Recommendation of Staff/Committee:

Staff recommends approving Resolution 2024-02-585 declaring April as Mental Health Awareness Month in the City of White Salmon.

RESOLUTION 2024-02-585

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE SALMON, WASHINGTON, RECOGNIZING MENTAL HEALTH AWARENESS MONTH.

Recognizing the unique challenges and circumstances of our citizens in White Salmon, where mental health is not just a national issue but a local one deeply affecting our community, we bring forth this resolution.

WHEREAS, mental health is a critical part of every citizen’s overall health and wellbeing; and

WHEREAS, mental illnesses are prevalent in our city, state, and nation; and

WHEREAS, one in five adults and adolescents in the United States live with a mental illness, less than half receive treatment, and through education about supportive mental health resources in our community, we can encourage our citizens to seek help for mental health issues; and

WHEREAS, with millions of people regularly experiencing stress, anxiety, and depression, it is critical to reduce the stigma around mental health struggles because that stigma often prevents individuals from seeking help; and

WHEREAS, one third of the United States population lives in a county designated as a mental health professional shortage area, which includes Klickitat County; and

WHEREAS, each business, school, government agency, health care provider, organization, and citizen share the burden of mental health issues and has a responsibility to promote mental wellness and support prevention efforts; and

WHEREAS, the City of White Salmon commits to recognizing Mental Health Awareness Month and

WHEREAS, the City of White Salmon commits to taking steps to provide mental health resources and support, hosting community workshops, and promoting mental health education; and

WHEREAS, the National Alliance on Mental Illness recognizes May each year as Mental Health Awareness Month, however the City of White Salmon currently recognizes two heritage months in the month of May, therefore the city believes April is a better month to focus on the importance of mental health.

NOW, THEREFORE, be it resolved by the City Council of the City of White Salmon that the City of White Salmon will annually recognize the month of April as Mental Health Awareness Month.

ADOPTED at a regular session of the City Council of White Salmon this 7th day of February, 2024.

CITY OF WHITE SALMON, WASHINGTON

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk/Treasurer

Shawn MacPherson, City Attorney

File Attachments for Item:

F. Resolution 2024-02-586 Declaring Sole Source Provider for Pump Maintenance



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review:

Yes, Completed

Meeting Date:

February 7, 2024

Agenda Item:

Resolution 2024-02-586 Declaring Sole Source for Pump

Maintenance to Mather & Sons Pump Service, Inc

Presented By:

Andrew Dirks, Public Works Director

Action Required:

Approval of Resolution 2024-02-586 to waive competitive bidding requirements to award the sole source of pump maintenance to Mather & Sons Pump Service, Inc.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to approve Resolution 2024-02-586 ESTABLISHING A SOLE SOURCE PROVIDER AND AUTHORIZING THE PURCHASE OF WATER BOOSTER & PUMP STATION EQUIPMENT.

Background of Issue:

Mather & Sons Pump Service, Inc designed the Booster pump station and well pump configuration in the early 2000's when the project was initiated. They are familiar with our system and understand the needs and goals of our operators. They already hold the maintenance contract, sole sourcing them for all required repair maintenance helps public works to be more proactive than reactive.

Explanation of Issue:

All the pumps at the booster station have lacked maintenance since the original installation. We are working towards conducting regular maintenance on these pumps that will hopefully alleviate future emergencies, unsafe conditions, and potential water outages. Mather & Sons has knowledge of our system and are the original designers. Sole sourcing their services will ensure reduced risks to our water system.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

Money has already been allocated for upcoming projects through ARPA dollars in 2023 and carried over into the 2024 budget. Bingen will also be sharing these costs.

DEI & Stakeholder Analysis:

Establishing Mather & Sons as a sole source provider creates a relationship with a local company that has direct knowledge of the pump system. Overall, the ability to rely on Mather & Sons as the Sole Source for the pump maintenance is a benefit to all residents of White Salmon.

F.

Policy & Plan Implications:

This repair is not specifically called out in a current plan, however the maintenance of the pump stations are a necessary part of a well-functioning water system.

Recommendation of Staff/Committee:

Staff recommends approval of Resolution 2024-02-586.

RESOLUTION 2024-02-586

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF WHITE SALMON, WASHINGTON,
ESTABLISHING A SOLE SOURCE PROVIDER AND AUTHORIZING THE
PURCHASE OF WATER PUMP STATION EQUIPMENT.**

WHEREAS, the City has a water booster and pump system that ensure delivery of water; and

WHEREAS, consistent booster and pump maintenance is necessary to ensure water delivery to customers of the White Salmon water system; and

WHEREAS, it is critical for the City of White Salmon to have proper maintenance and repairs to the booster and pump stations; and

WHEREAS, the city has approved in their 2024 budget the repair of Pump C and a maintenance annual maintenance contract with Mather & Sons Pump Service, Inc; and

WHEREAS, city staff has done their due diligence to confirm that Mather & Sons Pump Service, Inc is the sole source provider of necessary parts and knowledge to complete the repair and maintenance of the booster and pump system in our region; and

WHEREAS, RCW 39.04.280(1)(a) allows agencies to waive competitive bidding if a purchase is clearly and legitimately limited to a single supplier. These situations often arise when an agency has specific technological requirements. Examples include:

- Licensed, copyrighted, or patented products or services that only one vendor provides
- New equipment or products that must be compatible with existing equipment or products
- Proprietary or custom-built software or information systems that only one vendor provides
- Products or services where only one vendor meets the required certifications or statutory requirements.

NOW, THEREFORE, be it resolved by the City Council of the City of White Salmon as follows:

1. The City of White Salmon Public Works Departments shall purchase pump replacement equipment from Mather & Sons Pump Service, Inc that is compatible with existing equipment and products.
2. The above-described circumstance is justification for the waiver of bidding requirements under the authority of RCW 39.04.280(1)(a).

F.

3. Pursuant to White Salmon Procurement Policy 9.0 and RCW 39.04.280(1)(a), the bidding requirement is hereby waived for the purchase of pump replacement equipment and herein is considered by the City Council as a sole source purchase.

ADOPTED by the Council of the City of White Salmon, Washington. Dated this 7th day of February, 2024.

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk Treasurer

Shawn MacPherson, City Attorney

File Attachments for Item:

G. Resolution 2024-02-587 Adopting the Fire Fighter Officer Pay



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed
 Meeting Date: February 7, 2024
 Agenda Item: Resolution 2024-02-587 Setting Fire Fighter Officer Pay
 Presented By: Stephanie Porter, Clerk Treasurer

Action Required:

Review and take action on Resolution 2024-02-587 adding the Fire Chief stipend allocated in the 2024 budget to be paid February 1 – December 31, 2024 in the amount of \$1,182 per month.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to approve Resolution 2024-02-587 Fire Fighter Officer Pay.

Background of Issue:

Our Fire Chief/Building Code Official Bill Hunsaker retired December 15, 2023. Bill agreed to remain the Fire Chief through December 31, 2024 to see the White Salmon Fire Department through the transition to the voter approved West Klickitat Regional Fire Authority.

Explanation of Issue:

The Council approved the 2024 Annual budget in December 2023. The approved budget includes a stipend of \$13,000 for a Fire Chief position. The resolution presented will allow the city to pay the stipend of \$1,182 a month from February 1 – December 31, 2024 to Bill Hunsaker for his role as Fire Chief.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

The budget for this position is included in the adopted 2024 Annual Budget.

DEI & Stakeholder Analysis:

Having the Fire Chief role as a secure position benefits the White Salmon community as a by promoting safety and fire protection. A seamless transition to the WKRFA is in the best interest of the residents in White Salmon and the community as a whole.

Policy & Plan Implications:

One of Councils adopted goals is wildfire mitigation. Having a Fire Chief is an integral part of keeping our community safe and moving forward efforts to protect the health, safety, and property for our White Salmon Residents.

Recommendation of Staff/Committee:

Staff recommends approving the Resolution 2024-02-587 Fire Fighter Officer Pay.

RESOLUTION 2024-02-587

A RESOLUTION OF THE CITY OF WHITE SALMON, WASHINGTON, REVISING THE FIRE FIGHTER OFFICER PAY TO INCLUDE THE FIRE CHIEF POSITION.

WHEREAS, the City of White Salmon approved the 2024 budget that included a stipend for the White Salmon Fire Chief; and

WHEREAS, the City of White Salmon’s salaried Fire Chief/Building Official retired in December 2023; and

WHEREAS, this position is imperative for the transition to the West Klickitat Regional Fire Authority; and

WHEREAS, the City Council and Administration desire to provide a stipend to the Fire Chief position;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHITE SALMON, WASHINGTON, as follows:

1. The Volunteer Firefighter Officer Pay as shown below is hereby accepted, effective February 1, 2024.

Fire Chief	\$1,182 per month
Captain	\$ 100 per month
Captain	\$ 100 per month
Captain	\$ 100 per month

ADOPTED at a regular session of the City Council of White Salmon this 7th day of February, 2024.

CITY OF WHITE SALMON, WASHINGTON

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk/Treasurer

Shawn MacPherson, City Attorney

File Attachments for Item:

H. Small Works Contract Amendment - Gorge Dirt Works - Snow Removal



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed
 Meeting Date: February 7, 2024
 Agenda Item: Small Work Contract Amendment – Snow Removal – Gorge Dirt Works
 Presented By: Stephanie Porter, Clerk Treasurer

Action Required:

Review and take action on the proposed Small Work Contract Amendment for Snow Removal with Gorge Dirt Works to increase the contract amount to a total not to exceed of \$10,000.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to approve Small Work Contract Amendment for Snow Removal with Gorge Dirt Works to increase the contract amount to a total not to exceed of \$10,000.

Background of Issue:

The City Council approved a Small Work Contract with Gorge Dirt Works for Snow Removal in December 2023 with a not exceed amount of \$4,000.

Explanation of Issue:

Due to unforeseen extreme weather in Mid-January the City needed an unusual amount of Snow Removal. This resulted in an amount due to Gorge Dirt Works an amount over the agreed contract not exceeding the price of \$4,000.

The proposed contract amendment requests an increase from \$4,000 to \$10,000 with an invoice due of \$6,600.

This increase will allow for any additional unforeseen weather event potentially in December 2024.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

The budget currently includes \$8,000 for Snow Removal Services. If the council approves the amendment there will need to be an increase to the Street - Contract services line item in the amount of \$2,000.

DEI & Stakeholder Analysis:

This contract is held with a local contractor who directly affects the economy of White Salmon. The process of Snow removal allows the City to maintain an effective transportation system even amongst severe weather.

H.

Policy & Plan Implications:

Removal of the snow support the Snow Plow Policy is that it allows snow to be removed efficiently with out blocking lanes of traffic or parking spaces.

Recommendation of Staff/Committee:

Staff recommends approving the Small Work Contract Amendment for Snow Removal with Gorge Dirt Works to increase the contract amount to a total not to exceed of \$10,000.

**Amendment No. 1
Small Works Roster Agreement
Gorge Dirt Works, LLC**

This AMENDMENT amends the SMALL WORKS ROSTER AGREEMENT between the CITY OF WHITE SALMON (OWNER) and Gorge Dirt Works, LLC (CONTRACTOR), dated December 26, 2023.

The changes to the SMALL WORKS ROSTER AGREEMENT are described as follows:

Key: ~~**Bold and Strike through**~~ means delete. **Bold and underline** means new.

Not to Exceed Total (Including Tax) applying schedule of rates and charges attached as Exhibit A:
~~**\$4,000**~~ **\$10,000** including tax.

All other provisions of the SMALL WORKS ROSTER AGREEMENT shall remain the same.

CONTRACTOR
Gorge Dirt Works, LLC

Department Head
City of White Salmon

Signature

Andrew Dirks, Public Works Director

Date

Date

File Attachments for Item:

I. Small Work Contract - Park & Ride Thermostat Relocation - Coburn Electric



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed
 Meeting Date: February 7, 2024
 Agenda Item: Small Works Contract - Park & Ride Thermostat Relocation - Coburn Electric (\$1,780.01)
 Presented By: Stephanie Porter, Clerk Treasurer

Action Required:

Review and take action on the Small Works Contract for the Park & Ride Thermostat Relocation awarding Coburn Electric for an amount not to exceed \$1,780.01.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to approve the Small Works Contract for Park & Ride Thermostat Relocation to Coburn Electric in an amount not to exceed \$1,780.01.

Explanation of Issue:

The thermostat in the men’s restroom at Park & Ride malfunctioned and caused the plumbing to freeze and created a leak. The repair of the leak cost approximately \$500 dollars.

The goal of the relocation of the thermostat out of both restrooms and into the center storage room with probes in both restrooms is to eliminate anyone tampering with or vandalizing the thermostat and avoid future freezing issues.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

The current 2024 Annual Budget does not account for this project. Approval of this contract will require an allocation of the full \$1,780.01 to the Park fund from the Current Expense Ending Cash.

DEI & Stakeholder Analysis:

The Park & Ride bathrooms provide a service to resident and visitors of all backgrounds and status. Repair of the thermostat system to a more sustainable system will ensure the facility is in the best condition possible while persons use them.

Policy & Plan Implications:

There is no specific plan of policy implication, however having well maintenance facilities is an overall city goal that this replacement will enhance.

Recommendation of Staff/Committee:

Staff recommends approving the Small Works Contract - Park & Ride Thermostat Relocation - Coburn Electric.

SMALL PUBLIC WORKS AGREEMENT

Contract #: SWP 2024-003		WO#: Park & Ride Thermostat Relocation	
Contractor:	Coburn Electric, Inc	Department:	Public Works
Name:		Date:	February 7, 2024
Address:	PO Box 118	Department Contact:	Andrew Dirks, PWD
	Hood River, OR 97031	Phone:	(509) 493-1133 x500
Phone:	541-354-1163	Fax:	N/A
Fax:	N/A	Email:	andrewd@whitesalmonwa.gov
Email:	dennis@coburnelec.com		

Insurance and Indemnification: The Contractor shall defend, indemnify and hold the City and all of its employees harmless from any and all liabilities, claims, damages, costs or expenses (including reasonable attorneys' fees) arising from or relating to the work performed under this Agreement to the extent of the Contractor's negligence. The Contractor waives, with respect to the City, its immunity under industrial insurance, Title 51 RCW. This waiver has been mutually negotiated by the parties. This indemnification shall survive the expiration or termination of this Agreement. Contractor shall secure and maintain, at its own cost and expense, Comprehensive General Liability and Property Damage insurance in the amount of not less than \$1,000,000 for death or injury in any one occurrence and \$1,000,000 for property damage in any one occurrence which provides, at a minimum, the following coverage:

Premises and Operation; Explosions, Collapse and Underground Hazards (Where Applicable); Products/Completed Operations; Contractual Liability; Broad Form Property Damage; Independent Contractors; and Personal Injury.

Contractor shall secure and maintain, at its own cost and expense, Comprehensive Auto Liability insurance in the amount of not less than \$1,000,000 per occurrence which provides, at a minimum the following coverages:

Owned Vehicles; Non-Owned Vehicles; Hired Vehicles; Property Damage.
 This coverage shall be issued from an insurance company authorized to do business in the State of Washington. The City shall be named as additional insured on said insurance coverage at least as broad as ISO CG 20 10 10 01 in a form acceptable to the City Attorney. The Contractor agrees to repair and replace all property of the City and all property of others damaged by the Contractor, Contractor's employees, subcontractors and agents. It is understood that the whole of the work under this contract is to be done at the Contractor's risk and that the Contractor is familiar with the conditions of materials, climatic conditions, and other contingencies likely to affect the work and has made their bid accordingly and that the Contractor will assume the responsibility and risk of all loss or damage to materials or work which may arise from any cause whatsoever prior to completion.

Warranties: If within one year after the completion date of the Work, defective and unauthorized Work is discovered, the Contractor shall promptly, upon written order by the City, return and in accordance with the City's instructions, either correct such work, or if such Work has been rejected by the City, remove it from the site and replace it with non-defective and authorized Work, all without cost to the City.

Nondiscrimination: The Contractor shall comply with all applicable federal and state laws, and city ordinances, for equal employment opportunity and nondiscrimination laws.

Gifts: The City's Code of Ethics and Washington State law prohibit City employees from soliciting, accepting, or receiving any gift, gratuity or favor from any person, firm or corporation involved in a contract or transaction. To ensure compliance with the City's Code of Ethics and state law, the Consultant shall not give a gift of any kind to City employees or officials.

Business License: The Contractor is required to submit proof of a City business license (\$50) within ten (10) days of contract award. Failure to provide proof of a business license may delay payment of invoices.

Prevailing Wages: This contract is subject to prevailing wages according to RCW 39.12.020. Contractor shall file an Intent to Pay Prevailing Wage form and Affidavit of Wages Paid form with L&I and pay for all fees associated with filing the forms. Contractor shall submit the Intent and Affidavit forms, approved by L&I, to the City with payment request. No payment will be issued to the Contractor until the City receives both approved forms. If any work is subcontracted on this project, an approved Intent and Affidavit form must be submitted for each sub-contractor. If progress payments are made on this project, an approved Intent form must be received prior to issuing the first payment. An approved Affidavit form must be received prior to issuing final payment.

Bonds/Retainage: No Bid Bond is required. Contract Bond is required. For projects with an estimated total cost of less than \$35,000, the contractor may elect to a 50% retainage in lieu of a Contract Bond. Retainage is required.

Industrial Insurance Status: Contractor is responsible for maintaining a current status of their industrial insurance premiums with the Department of Labor and Industries (L&I). Prior to issuing final payment, the City will verify with L&I the status of the contractor's premiums. Under RCW 60.28 the City can withhold and pay the contractor's delinquent premiums from the final payment.

Payment Processing: The City shall pay the Contractor after final acceptance of each work order within 30 days of submittal of the invoice provided the City has received approved L&I forms.

I.

Completion Date: 60 Days after Start Date	Total Contract Fixed Price (Including Tax): \$1,780.01 including 7.6% tax
	<i>OR</i>
	Not to Exceed Total (Including Tax) applying schedule of rates and charges attached as Exhibit A: N/A

Description of Work: Relocation of the existing Park & Ride thermostat and installation of thermostat sensors in both the restrooms to provide temperature feedback to the relocated thermostat.

The contractor should send invoices to the following address: PO Box 2139, White Salmon WA 98672. Unless otherwise agreed, payment is net 30 days less retainage.

Note: N/A

The contractor shall not start work until the City orally provides a Notice to Proceed. This agreement shall terminate without cost if a Notice to Proceed is not issued within 60 days. The City will not issue a Notice to Proceed before approved evidence of insurance is received.

Contractor: _____ City Department Approval: _____

(Signature) (Date) (Signature) (Date)

Print Name _____ Print Name Andrew Dirks, Public Works Director

Distribution Account Codes: _____ - _____
Program Object

1.



COBURN ELECTRIC
PO Box 118, HOOD RIVER OR. 97031

ESTIMATE #	DATE	EXPIRES
202521	01/22/2024	02/06/2024

Title: WS Park and Ride bathrooms

CUSTOMER

City of White Salmon
Jeff Cooper
PO Box 2139
White Salmon, WA 98672

SERVICE ADDRESS

1 Heritage Plaza
White Salmon, WA 98672 98672

SUMMARY

Coburn Electric, Inc. is providing this quotation for labor and material for the following items based on job scope via site walk with Jeff Cooper to relocate circuitry for wall thermostats:

SCOPE OF WORK

- Permit fee
- Demo existing thermostat in mens and womens bathrooms
- Install surface mounted conduits for existing circuitry into utility area
- Provide and install (2) thermostat in utility area
- Install thermostat sensors in the bathrooms to provide temperature feedback to above thermostats

Subtotal	\$1,654.28
Tax: (7.6%)	\$125.73
Total	\$1,780.01

EXCLUSIONS

1.



COBURN ELECTRIC
PO Box 118, Hood River OR, 97031

ESTIMATE #	DATE	EXPIRES
202521	01/22/2024	02/06/2024

All painting, patching, trenching, saw cutting, back filling, all excavation, concrete work, and taxes

TERMS & CONDITIONS

Note:

- Normal Work to be done Monday through Friday 07:00 to 16:30
- Work performed outside of "normal work" hours will be charged at labor agreement rates
- Job site access assumed encumbered access
- Coburn Electric considers any COVID -19 related changes imposed by Manufacturers and Suppliers as outside its reasonable control and subject to Force Majeure provisions or similar common law doctrines such as "frustration or "impossibility.
- Escalation Clause: The contract price for this construction project has been calculated based on the current prices for the component building materials. The market for the building materials that are hereafter specified is volatile, and sudden price increases could occur. The contractor agrees to use it best efforts to obtain the lowest possible prices from available building material suppliers, however, should there be an increase in the prices of these specified materials that are purchased after execution of contract for use in the residential project, owners agrees to pay that cost increase to the contractor.
- Estimate Valid for 15 days. All payments are due within 10 days of our dated invoice. If all payments are not made on time, and 1.5% interest per month shall be charged on all accounts 30 days past due. The buyer's signature shall constitute an acceptance of all of the conditions stated above. We will install the above listed top quality materials in accordance with the best mechanical techniques. Installation will be guaranteed against defects in workmanship and materials for a period of one year.

APPROVAL

This Estimate has been accepted on _____ by Andrew Dirks(City of White Salmon)

Signature: _____

File Attachments for Item:

J. Approval of Special Meeting Minutes- January 19, 2024



CITY OF WHITE SALMON
City Council Meeting – Wednesday, January 3, 2024
In Person and Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

- Ben Giant
- Patty Fink
- David Lindley
- Jason Hartmann
- Jim Ransier

Staff Present:

- Mike Hepner, Police Chief
- Marla Keethler, Mayor
- Stephanie Porter, Clerk Treasurer
- Shawn Mac Pherson, City Attorney
- Troy Rayburn, City Administrator

I. Call to Order, Land Acknowledgement and Presentation of the Flag

Mayor Marla Keethler called the meeting to order at 6:00p.m. There were approximately 3 members of the public in attendance in person and via teleconference.

II. Roll Call (6:02pm)

III. Changes to the Agenda (6:03pm)

Staff request to remove: Presentation Lower White Salmon Vision Plan

Staff request to add: Ordinance 2024-01-1159 Amending WSMC 17.80 to as Item B. under Ordinance First Read.

Staff request to amend: Consent Agenda A. Approval of Personal Services Contract **Amendment No.1- On Call HR Services**– It's All A Little Grey, LLC.

Moved by Jason Hartmann. Seconded by David Lindley.

Motion to approve changes to the agenda as presented.

CARRIED 5-0

IV. Presentations

- A. Mayor's Update (6:05pm)
- ~~B. Lower White Salmon Vision Plan~~

V. Public Comment

No Public Comment.

VI. Consent Agenda (6:08pm)

- A. Approval of Personal Services Contract **Amendment No.1- On Call HR Services** - It's All A Little Grey, LLC
- B. Approval of Personal Services Contract - Mather & Sons Pump Inc - Maintenance Services (\$9,675)
- C. Mayor's 2024 Committee Appointments
- D. Approval of Meeting Minutes- December 20, 2023
- E. Approval of Vouchers

Vouchers audited and certified as required by RCW 42.24.080 and expense reimbursement claims as required by RCW 42.24.090 as of this 3rd day of January 2024.

Type	Date	From	To	Amount
Claims	12/30/2023	40878	40898	101,773.51
	1/3/2024	40899	40905	67,216.77
			Claims Total	168,990.28
Payroll	1/5/2024	EFT	EFT	51,142.87
	1/5/2024	40875	40877	448.65
			Payroll Total	51,591.52
Manual Claims	12/4/2023	EFT	EFT	1,824.10
	12/26/2023	EFT	EFT	120.00
	12/27/2023	EFT	EFT	12,963.37
	12/27/2023	40872	40872	9,191.11
	12/28/2023	40874	40874	30.00
VOIDED Checks	12/28/2023	40873	40873	0.00
			Manual Total	24,128.58
			Total All Vouchers	244,710.38

**Moved by Jim Ransier. Seconded by David Lindley.
Motion to approve Consent Agenda and vouchers in the amount of \$244,710.38.**

Council Questions.

CARRIED 5-0.

VII. Ordinance First Read

- A. **Ordinance 2024-01-1158 Amending WSMC 19 (6:10pm)**
Presentation by Kelly Hickock, City
- B. **Ordinance 2024-01-1159 Amending WSMC 17.80 (6:14pm)**

VIII. Business Items (6:15pm)

- A. **Motion to Amend WSMC 2.21.010 B i - Scrivener Error in Ordinance 2023-12-1156**
Presentation by Stephanie Porter, Clerk Treasurer.

**Moved by Ben Giant. Seconded by David Lindley.
Motion to Amend WSMC 2.21.010 B i - Scrivener Error in Ordinance 2023-12-1156 to remove “, and home occupation permits,” from WSMC 2.21.010 B i.
CARRIED 5-0**

B. 2024 Legislative Priorities (6:19pm)
Presentation by Mayor Marla Keethler.

Council Discussion.

Moved by David Lindley. Seconded by Jason Hartmann.
Motion to approve 2024 Legislative Priorities as follows:
Help Recruit and retain police officers for public safety, Revise the arbitrary property tax cap, Continue investing in infrastructure, and Provide behavioral health resources.
CARRIED 5-0

C. Resolution 2024-01-582 Providing Time and Place for Public Hearing of Easement Vacation (6:21pm)
Presentation by Stephanie Porter, Clerk Treasurer.

Council Discussion.

Moved by Ben Giant. Seconded by Jason Hartmann.
Motion to approve Resolution 2024-01-582 Providing Time and Place for Public Hearing of Easement Vacation.
CARRIED 5-0

D. Approval of Scope of Work -Heritage Tree Ordinance - DCG | Watershed Group (6:25pm)
Presentation by Stephanie Porter, Clerk Treasurer.

Council Discussion.

Moved by Jason Hartmann. Seconded by Jim Ransier.
Motion to approve the Heritage Tree Scope of Work with DCG | Watershed Group in the amount not to exceed \$17,189.
CARRIED 5-0

VIII. Reports and Communications

A. Department Heads (6:35pm)

B. Council Members

- Patty Fink, Council Member (6:36pm)
- Ben Giant, Council Member (6:36pm)
- Jason Hartmann, Council Member (6:36pm)
- David Lindley, Council Member (6:36pm)
- Jim Ransier, Council Member (6:36pm)

IX. Executive Session (if needed)

X. Adjournment

The meeting was adjourned at 6:37p.m.

Marla Keethler, Mayor

Stephanie Porter, Clerk Treasurer

File Attachments for Item:

A. Public Meeting - Annexation WS-ANX-2024-001 - Intent to Annex

1. Presentation

2. Applicant Presentation

3. Discussion

4. Action



Department Head: _____
 Clerk/Treasurer: _____
 City Administrator: _____
 Mayor: _____

COUNCIL REPORT

Business Item

Consent Agenda

Needs Legal Review: Yes, completed
 Meeting Date: January 17, 2024
 Agenda Item: Intent to Annex for WS-ANX-2024-001
 Presented By: Stephanie Porter, Clerk Treasurer

Action Required:

Review of Intent to Annex for WS-ANX-2024-001 and motion to approve the request to intent.

Motion for Business Item / Proposed Motion for Consent Agenda:

Motion to accept the Intent to Annex for WS-ANX-2024-001 submitted by Stephen Schmidt, Laurie Schmidt, Theodorus VanHameren, and Johanna VanHameren.

Background of Issue:

An intent to annex was submitted by property owners Stephen Schmidt, Laurie Schmidt and Theodorus Van Hameren for Tax Parcel 03-10-2344-0003/00.

Explanation of Issue:

Per RCW 35A.14.120 the City Council will meet in a public meeting with Initiators on the Annexation Proposal.

The city council is to set a date (completed at the January 3 Council Meeting) for a meeting with the initiating parties to determine:

1. Whether the city will accept, reject, or geographically modify the proposed annexation.
2. Whether it will require the simultaneous adoption of a proposed zoning regulation if such a proposal has been prepared and filed (as provided for in RCW 35A.14.330 and 35A.14.340).
3. Whether it will require the assumption of all or any portion of existing city indebtedness by the area to be annexed.
 - There should be requirement to assume city indebtedness. It should be noted that the City does not currently have any additional bond debt.

If the legislative body requires the adoption of a proposed zoning regulation and/or the assumption of all or any portion of indebtedness as conditions to annexation, it is to record this action in its minutes.

Council acceptance of the proposed annexation is a condition precedent to circulation of the petition.

There is no appeal from the council decision.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Other action as desired by council.

Fiscal Analysis:

There are no Financial Implications for this decision, however if the property is ultimately annexed there will be a slight increase in the cities Property Taxes.

DEI & Stakeholder Analysis:

After staff review it is determined that this decision does not have a direct impact on Diversity, Equity or Inclusion.

Policy & Plan Implications:

This decision does not have a direct policy or plan relation.

NOTICE OF INTENT TO ANNEXATION

TO: The City Council
City of White Salmon
PO Box 2139
White Salmon, WA 98672-2139
(509) 493-1133

WE, the undersigned representing legal ownership of not less than ten percent (10%) of the assessed valuation of the acreage and real property of the area legally described in Exhibit "A" and as presented in map Exhibit "B" attached hereto, lying contiguous to the City of White Salmon, Washington, by our signatures affixed hereto, request that City Council accept this instrument of notice to serve as our intention to commence Annexation proceedings of said real properties into the City of White Salmon.

It is our understanding that City Council will set a date for a meeting with the initiating parties, which may occur no later than sixty (60) days after the filing of said Notice of Intent, for the purpose to:

- Accept the Annexation as proposed;
- Geographically modify the proposed Annexation (and accept the proposed Annexation as modified; or
- Reject the Annexation.

By accepting a proposed Notice of Intent to Annexation, the decision to accept merely allows the Annexation to go forward procedurally, and is not a commitment of the City Council to ultimately annex the territory proposed at such time a sufficient petition is presented.

In accepting the Notice of Intent for proposed Annexation the City Council also must decide:

- Whether it will propose a zoning regulation for the area proposed for Annexation, and;
- Whether it will require the assumption of all or any portion of existing City indebtedness by the area to be Annexed.

Further, it is our understanding that should the City Council decide to require either or both of the above, that decision will be reflected in the meeting minutes of record.

Upon City Council's acceptance of the Notice of Intent for the proposed Annexation, the initiating parties may draft and circulate a formal Petition for Annexation

Notice of Intent to Annex Form

(available at the City Planning Department) which, upon completion and submittal of all required appurtenances thereto, the City Clerk/Treasurer will determine the sufficiency thereof and prepare a Staff Report of the findings and recommendations to the City Council regarding the Petition For Annexation and its compliance with RCW 35A.01.040 – Petitions.

If, however, the City Council rejects the proposed Annexation, the initiating parties have no right of appeal.

It is our understanding that procedurally, the Petition For Annexation will be presented to the City Planning Commission at a regularly scheduled public meeting for their consideration and recommendation to the City Council.

The City Council will set a date and location for the Public Hearing at which time it will act to:

- Approve the Petition For Annexation, or;
- Reject the Petition For Annexation

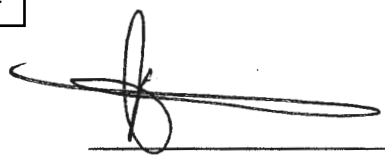
Upon acceptance of this Notice of Intent To Annexation it shall be the responsibility of the parties to said “notice” to file a formal Petition For Annexation with the City Council through the office of the Director of Finance. (Petitions For Annexation are available at the Planning Department or Finance Department at City Hall.)

PROPERTY OWNER’S SIGNATURE

Note: Print name and sign your Name, Address and Legal Date

Owner(s) Name	Address	Date
<u>Stephen John Schmidt</u> Signature	<u>259 SW Cherry Blossom Ln</u> <u>White Salmon, WA 98672</u>	<u>4/3/2023</u>
<u>S. Schmidt</u> Name		
<u>Laurie Schmidt</u> Signature	<u>259 SW Cherry Blossom Ln</u> <u>White Salmon, WA 98672</u>	<u>4/3/2023</u>
<u>Laurie Schmidt</u> Name		

A.

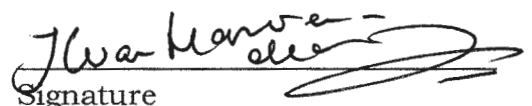


Signature

257 Cherry Blossom Lane 4/3/2023
White Salmon - 98672 WA

Theodorus van Hameren

Name



Signature

257 Cherry Blossom Lane 4/3/2023
White Salmon - 98672 WA

Johanna van Hameren-de Keizer

Name

Signature

Name

Signature

Name

Signature

Name

For additional information call, write or visit City Hall at 100 N. Main, PO Box 2139,
White Salmon, WA 98672 or (509) 493-1133 ext. 205.

Provide Attachments:

- Exhibit "A" – Property Legal Description
- Exhibit "B" – Boundary of Property Proposed for Annexation
- Exhibit "C" – Evidence of Legal Ownership of Property Proposed for Annexation.

Notice of Intent to Annex Form

PETITION FOR ANNEXATION
TO THE CITY OF WHITE SALMON

TO: The City Council
City of White Salmon
PO Box 2139
White Salmon, WA 98672-2139
(509) 493-1133

WE, the undersigned representing legal ownership of not less than sixty percent (60%) of the assessed valuation of the acreage and real property of the area legally described in Exhibit "A" and as presented in map Exhibit "B" attached hereto, lying contiguous to the City of White Salmon, Washington, by our signatures affixed hereto, request that City Council accept this instrument of notice to serve as our intention to commence Annexation proceedings of said real properties into the City of White Salmon.

Said real property described in Exhibit "A" attached hereto, lying contiguous to the City of White Salmon, Washington, do hereby petition that such territory be annexed to and made a part of the City of White Salmon under the provisions of RCW 35A.14.120, et seq., and RCW 35A.01.040, and any amendments thereto, of the State of Washington.

The territory proposed to be annexed is within Klickitat County, Washington, and is legally described and presented in Exhibit "A" attached hereto.

Evidence of legal ownership of the real properties subject to this Petition For Annexation is presented in Exhibit "C" attached hereto.

WHEREFORE, the undersigned petitions the White Salmon City Council and ask;

- a) That appropriate action be taken to entertain this petition, fixing date for public hearing, causing notice to be published and posted, specifying the time and place of such hearing, and inviting all persons interested to appear and voice approval or disapproval of such annexation; and
- b) That following such hearing, the City Council determine by Ordinance that such annexation shall be effective; and that property so annexed shall become a part of the City of White Salmon, Washington, subject to its laws and ordinances then and thereafter in force.

The Petitioners subscribing hereto agree:

- a) That all property within the territory hereby sought to be annexed shall be assessed and taxed at the same rate and on the same basis as property within the City of White Salmon for any now outstanding indebtedness of said City, including assessments, or taxes in payments of any bonds issued or debts contracted, prior to or existing at the date of Annexation;
- b) That simultaneous adoption of proposed zoning regulations be required in accordance with the requirements of the City Council of said City and as quoted herein from the Minutes Entry of the records of said City Council meeting. It is further understood the proposed zoning of said area proposed for annexation as shown on the White Salmon Comprehensive Plan as adopted by the White Salmon City Code is determined to be: (Check only those that apply).

- X_RL Single Family Large Lot Residential District
- ___ R-1 Single-Family Residential District
- ___ R-2 Two-Family Residential District
- ___ R-2 Multi-Family Residential District
- ___ MHR – Mobile Home Residential District
- ___ Public Use / Public Institutional District
- ___ C – General Commercial District
- ___ RD – Riverfrontage District

This petition is accompanied and has attached hereto as Exhibit "B" a diagram which outlines the boundaries of the property sought to be annexed.

These pages are a group of pages containing an identical text intended by the signers of this petition to be presented and considered as one petition and may be filed with other pages containing additional signatures which cumulatively may be considered as a single petition.

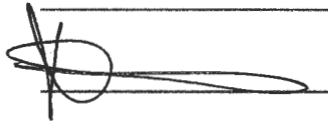
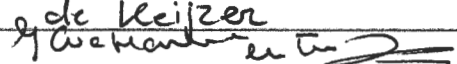
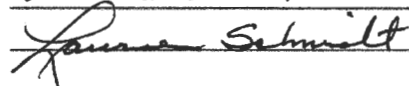
WARNING: Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

PRAYER OF PETITION: (1) Annexation of area described in Exhibits "A" and

"B", and (2) assumption of indebtedness of the City of White Salmon and (3) adoption of the City of White Salmon Comprehensive Plan Zone District identified as: _____ as determined by the City as appropriate to the properties of this proposed Annexation.

OWNER'S SIGNATURES

Note: Print name and sign your NAME, ADDRESS AND DATE

<u>Husband and Wife</u>	<u>Address</u>	<u>Date</u>
Theodorus van Hameren 	257 Cherry Blossom Lane 98672 - White Salmon WA	4/3/2023
Johanna van Hameren - de Keijzer 	257 Cherry Blossom Lane 98672 - White Salmon WA	4/3/2023
Stephen John Schmidt S. Schmidt	259 SW Cherry Blossom Ln White Salmon, WA 98672	4/3/2023
Laurie Schmidt 	259 SW Cherry Blossom Ln White Salmon, WA 98672	4/3/2023

For additional information, call the City Finance Department at (509) 493-1133 ext. 205 and/or see RCW 35A.14.120 and RCW 35A.01.040

Provide Attachments:

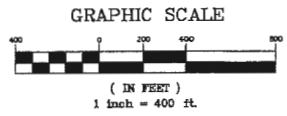
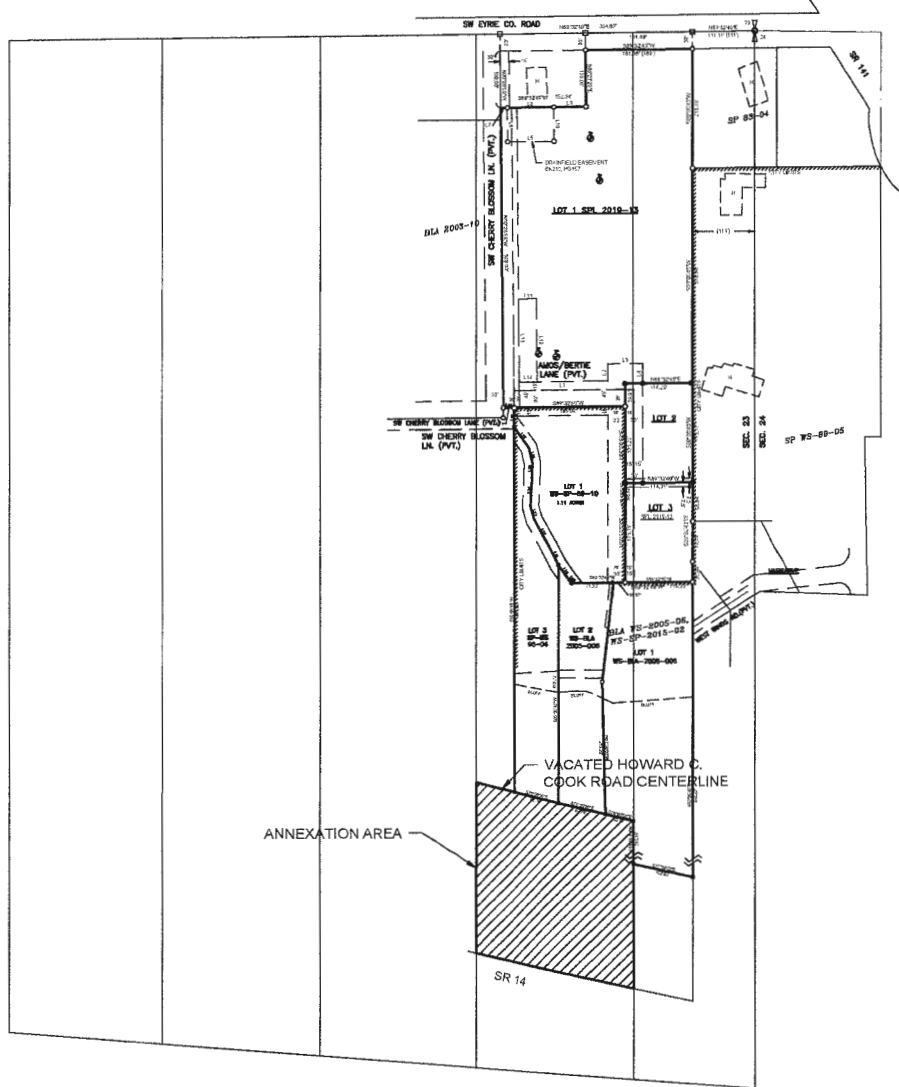
- Exhibit "A" – Property Legal Description
- Exhibit "B" – Boundary of Property Proposed for Annexation
- Exhibit "C" – Evidence of Legal Ownership of Property Proposed for Annexation

Exhibit "A"
Property Legal Description

Tax Lot 33 in Lot 4 Less Tax Lots and Right of way in the SE1/4 of the SE1/4 of Section 23, Township 3 North, Range 10 East, W.M., Klickitat County, Washington, also Known as:

The East Half of the East Half of the portion of Government Lot 4 in Section 23, Township 3 North, Range 10 East, W.M., lying north of the Northline of the Sate Highway No. 8 and South of the South Line of the County Road Known as Coo Road. Except for the East 211 feet thereof.

RECORD OF SURVEY
 IN THE SE1/4 OF
 SECTION 23, T 3 N, R 10 E, W.M.



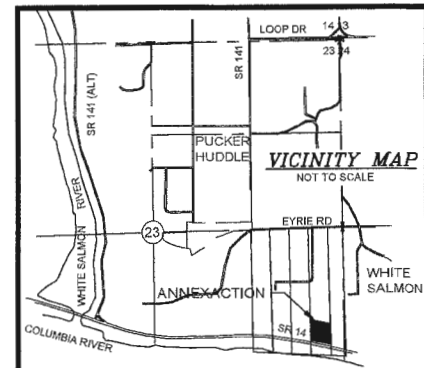
- LEGEND**
- ⊕ FOUND 3" ALUM CAP
 - ⊗ SET 5/8"x24" REBAR
 - ⊗ FOUND SPIKE OR PK
 - FOUND EXISTING REBAR
 - x- FENCE
 - SET AL. CAP MONUMENT
- REFERENCES**

11157031122508, 1152830
LEGAL DESCRIPTION
 TAX LOT 33 IN LOT 4 LESS TAX LOTS AND RW SESE 23-3-10

TAX PARCEL NO.
 03102344000300

BASIS OF BEARINGS
 GEODETIC BEARINGS

MONUMENTS VISITED
 FEBRUARY XXXX



SURVEY FOR
STEVE SCHMIDT TRUSTEE
 SEC. 23, T. 3 N, R. 10 E, W.M.
 KLUCKITAT COUNTY, WASHINGTON

PSE Pioneer Surveying & Engineering, Inc.
 Civil Engineering and Land Planning
 125 Sitcoos Drive
 Goldendale, Washington 98620
 Phone (509) 773-4845, Fax (509) 773-3108, E-Mail pse@pse.net

DATE: 1/19/23
 SCALE: 1" = 150'
 DRAWN BY: DDC
 SURVEYED BY: TB/TI/CT
 CHECKED BY: JG
 SHEET 1 OF 1
 JOB NO. 2023

Accuracy Statement (WAC 332-130)
 This Survey was performed with a Topcon Hyper+ RTX surveying system with a relative accuracy greater than 1:5000. Mathematical analysis where required is by least squares.

Note
 No warranties are made as to matters of encroachment, adverse possession, unwritten title, riparian changes or flood zones, etc.

Surveyor's Certificate
 This Map correctly represents a Survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of _____ in ____-20__.

Dustin D. Conroy, PLS 42272 Date _____



INDEX

1/4	1/4	SEC	T.	R.
			23	3N 10E

Auditor's Certificate
 Filed For Record This ____ Day of _____, 20__.
 At _____ M.
 in Book ____ Of Surveys At Page ____
 At The Request Of Pioneer Surveying and Engineering, Inc.

Deputy Auditor _____ Auditor's Number _____

A.

After Recording, Please Return to:
Stephen Schmidt
259 Cherry Blossom Ln
White Salmon, WA 98672

REAL ESTATE EXCISE TAX
Chapter 82.45 and Chapter 82.46, RCW

\$ 0 has been paid

Receipt 93897 Date 05/10/2021

Klickitat County Treasurer

By Jenyael Bannal Deputy

State of Washington)
) ss.
County of Klickitat)

TAX TITLE DEED

This indenture, made this 24th day of March, 2021, between GREG GALLAGHER, as Treasurer of Klickitat County, State of Washington, the party of the first part, and Stephen Schmidt party of the second part.

WITNESSETH, that whereas, at a public sale of real property, held on the 24th day of March, A.D., 2021, pursuant to a real property tax Resolution #01321 in the County of Klickitat on the 19th day of January, 2021 in proceedings to sell upon real property and an order of sale duly issued by the Board of Commissioners, Stephen Schmidt duly purchased in compliance with the laws of the State of Washington, the following described real property, to wit:

Parcel #03-10-2344-0003/00, in Klickitat County, Washington, further described as follows:

TAX LOT 33 IN LOT 4 LESS TAX LOTS AND R/W SESE 23-3-10, also known as:

The East Half of the East Half of that portion of Government Lot 4 in Section 23, Township 3 North, Range 10 East, W.M. lying North of the North line of State Highway No. 8 and the South of the South line of the County Road known as the Cook road, Except the East 211 feet thereof. ALSO known as Tax Lot 33, (Portion thereof)

and that said Stephen Schmidt has complied with the laws of the State of Washington necessary to entitle to Stephen Schmidt a deed for said real property.

Unofficial

NOW, THEREFORE, know ye that I, GREG GALLAGHER, County Treasurer of said County of Klickitat, State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases made and provided, do hereby grant and convey unto, Stephen Schmidt heirs and assigns, forever, the said real property hereinbefore described, as fully and completely as said party of the first part can by virtue of the premises convey the same.

Given under my hand and seal of office this 6 day of May, 2021.

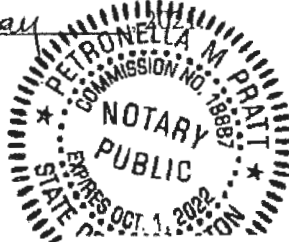
[Signature]
GREG GALLAGHER, County Treasurer

State of Washington)
) ss.
County of Klickitat)

I, Petronella M Pratt, Notary Public in and for the State of Washington, do hereby certify that on this 6 day of May, 2021, personally appeared before me GREG GALLAGHER, known to be the individual described in and who executed the within instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 6 day of

May



[Signature]
Notary Public in and for the State of Washington

My appointment expires: 10-1-2022



WHEN RECORDED RETURN TO:

Stephen Schmidt
259 Cherry Blossom Ln
White Salmon, WA 98672

DOCUMENT TITLE(S)

Tax Title Deed RERECORD to correct Grantee Name

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

GRANTOR(S):

Klickitat County

Unofficial

GRANTEE(S):

Steve and Laurie Schmidt Living Trust and Theodorus Van Hameren

ABBREVIATED LEGAL DESCRIPTION:

TAX LOT 33 IN LOT 4 LESS TAX LOTS AND R/W SESE 23-3-10

TAX PARCEL NUMBER(S):

03-10-2344-0003/00

LPB 01-05

1147778 D
05/19/2021 08:46 AM Page: 1 of 2 Fees: 104.50
Brenda Sorensen County Auditor, Klickitat County WA



After Recording, Please Return to:
Stephen Schmidt
259 Cherry Blossom Ln
White Salmon, WA 98672

REAL ESTATE EXCISE TAX
Chapter 82.45 and Chapter 82.46, RCW

\$ 0 has been paid

Receipt 93965 Date 05/19/2021

KLICKITAT COUNTY TREASURER

By Jonyal Bannacl Deputy
TAX TITLE DEED

State of Washington)
) ss.
County of Klickitat)

This indenture, made this 24th day of March, 2021, between GREG GALLAGHER, as Treasurer of Klickitat County, State of Washington, the party of the first part, and Steve and Laurie Schmidt Living Trust and Theodorus Van Hameren party of the second part.

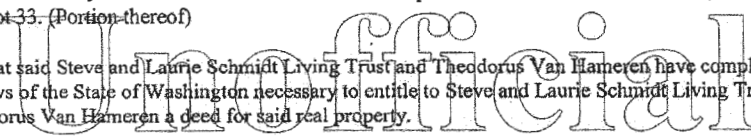
WITNESSETH, that whereas, at a public sale of real property, held on the 24th day of March, A.D., 2021, pursuant to a real property tax Resolution #01321 in the County of Klickitat on the 19th day of January, 2021 in proceedings to sell upon real property and an order of sale duly issued by the Board of Commissioners, Steve and Laurie Schmidt Living Trust and Theodorus Van Hameren duly purchased in compliance with the laws of the State of Washington, the following described real property, to wit:

Parcel #03-10-2344-0003/00, in Klickitat County, Washington, further described as follows:

TAX LOT 33 IN LOT 4 LESS TAX LOTS AND R/W SESE 23-3-10, also known as:

The East Half of the East Half of that portion of Government Lot 4 in Section 23, Township 3 North, Range 10 East, W.M. lying North of the North line of State Highway No. 8 and the South of the South line of the County Road known as the Cook road. Except the East 211 feet thereof. ALSO, known as Tax Lot 33. (Portion thereof)

and that said Steve and Laurie Schmidt Living Trust and Theodorus Van Hameren have complied with the laws of the State of Washington necessary to entitle to Steve and Laurie Schmidt Living Trust and Theodorus Van Hameren a deed for said real property.



NOW, THEREFORE, know ye that I, GREG GALLAGHER, County Treasurer of said County of Klickitat, State of Washington, in consideration of the premises and by virtue of the statutes of the State of Washington, in such cases made and provided, do hereby grant and convey unto, Steve and Laurie Schmidt Living Trust and Theodorus Van Hameren heirs and assigns, forever, the said real property hereinbefore described, as fully and completely as said party of the first part can by virtue of the premises convey the same.

Given under my hand and seal of office this 18 day of May, 2021.

[Signature]
GREG GALLAGHER, County Treasurer

State of Washington)
) ss.
County of Klickitat)

I, Petronella M. Part, Notary Public in and for the State of Washington, do hereby certify that on this 18 day of May, 2021, personally appeared before me GREG GALLAGHER, known to be the individual described in and who executed the within instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 18 day of May, 2021.

[Signature]
Notary Public in and for the State of Washington
My appointment expires: 10-1-2022
1147778 D
05/19/2021 08:46 AM Page: 2 of 2 Fees: 104.50
Brenda Sorensen County Auditor, Klickitat County WA

File Attachments for Item:

**B. Ordinance 2024-01-1158 Amending WSMC Title 19 Administration of Land Development:
Chapter 19.10 and Chapter 19.20**

1. Presentation
2. Public Hearing
3. Discussion and Action



COUNCIL REPORT

Public Hearing and Business Item

Needs Legal Review: Yes, Completed
 Meeting Date: January 17, 2024
 Agenda Item: **Ordinance 2024-01-1158** Amending WSMC 19.10 LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES and 19.20 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS.
Ordinance 2024-01-1159 Amending WSMC 17.80 Conditional Uses, Variances and Appeals

Presented By: Stephanie Porter, Clerk Treasurer
 Shawn MacPherson, City Attorney

Action Required:

Review and discuss the proposed changes to WSMC 19.10, 19.20 and 17.80 to sync the changes adopted on December 20, 2023 to Chapter 17 Zoning and 2.21 Hearing Examiner.

Proposed Motions:

Motion to adopt Ordinance 2024-01-1158 Amending WSMC 19.10 LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES and 19.20 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS.

Motion to adopt *Ordinance 2024-01-1159* Amending WSMC 17.80 Conditional Uses, Variances and Appeals

Explanation of Issue:

The proposed code changes that include amendments to the Land Use Type tables, charts, and language throughout Chapter 19 related to the Hearing Examiner vs Planning Commission and what land use decision require review were presented to the Council at their meeting on January 3, 2024

The City Attorney and staff reviewed and made the necessary amendments to the presented Ordinances to ensure all changes to WSMC 2.20 and 2.21 are captured and consistent between both codes.

These changes include:

Edits to 19.10.040 – Project permit application framework – Edited table to reflect that the hearing examiner shall make the final determination for all zoning variances and conditional use permits within the parameters of Type II review. Removed “short plat (simple)” and “conditional use (simple)” from the table because the term “simple” was not defined in W.S.M.C. Also edited table to include reasonable use variances and in Type I-B decisions and moved short plat from Type II to Type I-B. Edited the “Summary of decision-making” to reflect that the Type II review is by the hearing examiner or planning commission, as designated.

Edits to 19.10.210 - Administrative approvals subject to notice (Type I-B) – Edited to reflect that these decisions are appealed to the hearing examiner.

Edits to 19.10.230 – Review and decision (Type II) – Previously titled, “Planning commission review and decision (Type II),” this section was edited to reflect that Type II decisions shall be reviewed and decided by the designated decision-making body and are subject to appeal as designated.

Edits to 19.10.250 – Procedures for closed record hearings and appeals – Edited to remove “planning commission appeals”.

Edits to 19.10.270 – Remand – Edited to reflect that the matter is remanded to the decision-making body as designated.

Edits to 19.10.290 – Appeal of administrative interpretations (Type I-A and I-B) – Edited to reflect that Type I-A and I-B decisions are appealed to the hearing examiner.

Edits to 19.10.300 – Appeal of Type II Planning Commission decisions – Edited to clarify standing to appeal for Type II Planning Commission decisions.

Edits to 17.80.055 – Conditional use permit purpose and criteria – Edited to reflect that the hearing examiner shall hear and decide conditional use permit applications.

Edits to 17.80.060 – Conditional use permit or variance – Hearing – Edited to reflect that the administrative official shall set a time and place for a public hearing.

The City Council will hold a Public Hearing regarding the proposed changes on January 17, 2024 and action can be taken if the council desires.

Council Options:

City Council has the following options available at this time:

1. Accept the Staff Recommendation.
2. Revise the Staff Recommendation.
3. Refer this issue back to staff for additional work.
4. Take No Action
5. Other action as desired by council.

Fiscal Analysis:

No fiscal impact.

DEI & Stakeholder Analysis:

The updates to the municipal code to reflect consistent and streamline information is in the best interest of all who desire to invest in housing in White Salmon.

The changes presented reinforce the city’s commitment to fair and impartial processing of applications.

Policy & Plan Implications:

The changes presented line up with the desires changes approved in the Housing Action Plan, creating a more attainable building process for diverse housing.

**CITY OF WHITE SALMON
ORDINANCE NO. 2024-01-1158**

**AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODE TITLE 19
ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS CHAPTER 19.10 LAND
DEVELOPMENT ADMINISTRATIVE PROCEDURES AND 19.20 COMPREHENSIVE
PLAN AND DEVELOPMENT REGULATION AMENDMENTS FOR THE CITY OF
WHITE SALMON, WASHINGTON, INCLUDING SEVERABILITY DATE AND
TRANSMISSION TO THE STATE OF WASHINGTON.**

WHEREAS, The City of White Salmon adopted updates to WSMC Chapter 17 Zoning and WSMC Section 2.21 Hearing Examiner;

WHEREAS, The City of White Salmon has identified sections of code that need to be updated to be consistent with the changes adopted on December 20, 2023.

NOW, THEREFORE, the City Council of the City of White Salmon do ordain as follows:

Section 1. Amendment to Title 19 ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS CHAPTER 19.10 LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES and 19.20 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS; The City hereby repeals WSMC Title 19, Chapter 19.10 and Chapter 19.20 in their entirety, and adopts the following to be codified as WSMC Title 19, Chapter 19.10 and Chapter 19.20.

Key: ~~**Bold and Strike though**~~ means repealed.

Bold and underline means new.

Chapter 19.10 LAND DEVELOPMENT ADMINISTRATIVE PROCEDURES

ARTICLE I TYPES OF PROJECT PERMIT APPLICATIONS

19.10.010 Purpose and definitions.

- A. Purpose. White Salmon adopts its comprehensive plan and development regulations pursuant to RCW 35A.63, Planning and Zoning in Code Cities. In enacting this chapter, and pursuant to RCW 36.70B.150, the city council intends to establish a mechanism for implementing most of the provisions of Chapter 36.70B RCW (the Regulatory Reform Act) regarding compliance, conformity, and consistency of proposed projects with the city's adopted comprehensive plan and development regulations.
- B. Definitions. The following definitions shall apply throughout this chapter:
 - 1. "Administrator" means the city planning administrator as designated by the city council.
 - 2. "Aggrieved party" means a party of record who can demonstrate the following: (a) the land use decision will prejudice the person; (b) the asserted interests are among those the city is required by city code to consider in making a land use decision; and (c) a decision on appeal in favor of the person would substantially eliminate or redress the prejudice alleged to be caused by the land use decision.

3. "Closed record hearing" means an administrative closed record hearing before the city council based upon the record following an open record hearing on a project permit application. The hearing is on the record with no new evidence or information allowed to be submitted. In an appeal, at the city council's discretion, the council may allow argument based upon the record established at the open record hearing.
4. "Days" means calendar days.
5. "Effective date of decisions" means all preliminary and final decisions shall be effective on the date stated in Section 19.10.280(B).
6. "Effective date of notices" means all notices provided to applicants and any members of the public shall be effective on the date deposited in the mail and when first published or posted on properties.
7. "Open record hearing" means a hearing, conducted by a single hearing body, that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.
8. "Parties of record" means the land use permit applicant, persons who have testified at an open record hearing, and any persons who have submitted written comments concerning the application that form part of the public record that is considered at the open record hearing (excluding persons who only signed petitions or mechanically produced form letters).
9. "Project permit" or "project permit application" means any land use or environmental permit or license required from the city for a project action, including but not limited to land divisions, planned unit developments, conditional uses, shoreline substantial development permits, permits or approvals required by the Critical Areas Ordinance (Chapter 18.10 of this code), site-specific rezones authorized by the White Salmon comprehensive plan or a formally adopted subarea plan, but excluding the adoption or amendment of the White Salmon comprehensive plan, a subarea plan, or development regulations except as otherwise specifically included in this subsection.
10. "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a city council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

19.10.020 Procedures for processing development project permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I-A, Type I-B, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in Section 19.10.060. Exemptions from the requirements of project permit application processing are contained in Section 19.10.080.

19.10.030 Determination of proper type of procedure.

- A. Determination by Planning Administrator. The planning administrator or his or her designee (hereinafter the "Administrator") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the administrator shall resolve it in favor of the higher procedure type number.
- B. Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. For purposes of this section, the "highest number" is Type V and the "lowest number" is Type I (or Type I-A).
- C. Decision Maker(s). Applications processed in accordance with subsection B of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The city council is the highest, followed by the planning **commission or hearing examiner, as designated**, and then the administrator. Joint public hearings with other agencies shall be processed according to Section 19.10.050.
- D. SEPA Review. Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review set forth in this chapter. The SEPA review process, including all public comment procedures, is set forth in Chapter 18.20 of this code. Nothing contained in this chapter shall be construed to restrict the need for full environmental review in accordance with Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review).

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 (2)	Site and building plan review (3)	Final plat	Development regulations
Short plat (simple) Permitted uses not requiring notice of application	Boundary line adjustment	Short plat Zoning variances <u>(7)</u>	Preliminary PUD	Final PUD	Zoning text and map amendments
Grading permits	Conditional use (simple) Reasonable Use Variances (WSMC 18.10.125(C)) (7)	Conditional use <u>(7)</u>	Site specific rezone		Comprehensive plan text and map amendments

Manufactured home placement permit	Short plat		Preliminary plat for full subdivision		Shoreline Master Program amendments
			Shoreline permits: substantial development, conditional use, or variances		Annexations

Table 2—Action Type

Procedure Project Permit Applications (Type I — IV)						Legislative
	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	Administrator	Planning commission	Administrator	Planning commission .
Final decision made by:	Administrator	Administrator	Planning commission (2) Planning commission (2); Hearing examiner (7)	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 hearing examiner	Yes (6), closed record before city council No (8)	N/A	N/A	N/A
Judicial appeal	Yes No	No No	No Yes	Yes	Yes	Yes

- (1) The administrator may make the final decision on some site and building plan review applications considering the degree of discretion to be employed as specified in Chapter 17.81.
- (2) The ~~planning commission~~ **planning commission** shall make the final determination for all site plan review within the parameters of Type II review as specified in Chapter 17.81.
- (3) The city council shall make the final determination of all site plan review within the parameters of Type III review as specified in Chapter 17.81. 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 hearing examiner~~ will hear appeals of administrative staff decisions; ~~the city council will hear appeals of planning commission decisions. Both appeals are closed record hearings.~~
- (7) The Hearing Examiner shall hear any appeal (WSMC 19.10.210) in lieu of ~~the~~ planning commission. The hearing examiner shall make the final determination for all conditional use permits and zoning variances within the parameters of Type II review as specified in Chapter 17.80, which shall be the final decision of the city subject to appeal.
- (8) Except for Type II site plan and building plan reviews as specified in Ch. 19.10.290.

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, except as otherwise provided.

Type II — ~~Planning commission~~ Hearing examiner or Planning Commission review, as designated. Notice and open record hearing before the ~~planning commission decision-making body. Planning commission~~ The hearing examiner decision constitutes ~~makes~~ the final decision subject to a right of appeal. Planning Commission decisions are subject to administrative 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.

19.10.050 Joint public hearings (other public agency hearings).

- A. Administrator's Decision to Hold Joint Hearing. The administrator may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C of this section are met.
- B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.

- C. Prerequisite to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:
1. The other agency is not expressly prohibited by statute from doing so;
 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
 3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.

19.10.060 Legislative decisions.

- A. Decision. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:
1. Zoning code text, development regulations and zoning district amendments;
 2. Area-wide rezones to implement city policies contained within the White Salmon comprehensive plan and any amendments thereto;
 3. Adoption of the White Salmon comprehensive plan and any plan amendments;
 4. Annexations;
 5. Shoreline master program (SMP) amendments; and
 6. All other master land use and utility plans and amendments thereto.
- B. Except as otherwise provided in this chapter, the administrative procedures for the legislative decisions specified in this section are set forth in Chapter 19.60 of this code.

19.10.070 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the city to make changes to the White Salmon comprehensive plan as part of an annual revision process, the city's development regulations, or to undertake any other legislative actions.

19.10.080 Exemptions from project permit application processing.

- A. Whenever a permit or approval in the White Salmon Municipal Code has been designated as a Type I-A, I-B, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this title:
1. Landmark designations;
 2. Street vacations;
 3. Public works projects identified as planned actions in the White Salmon comprehensive plan or any amendments thereto. Planned actions are those public or private projects specifically identified by city ordinance or resolution adopted after environmental review conducted in conjunction with the adoption or amendment of the White Salmon comprehensive plan.

- B. Pursuant to RCW 36.70B.140(2), Type I-A permits, including but not limited to building permits, or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA (Chapter 43.21C RCW and Chapter 197-11 WAC), or permits/approvals for which environmental review has been completed in connection with other project permits shall be processed and permitted within one hundred twenty calendar days (subject to Section 19.10.110). However, Type I-A permits are not subject to other requirements of this chapter, and are excluded from the following procedures as defined in this section:
1. Determination of completeness;
 2. Notice of application;
 3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing;
 4. Single report stating that all of the decisions and recommendations made as of the date of the report do not require an open public record hearing;
 5. Notice of Decision. Unless the time deadlines are waived in writing by the applicant, the Type I-A permit shall be processed within one hundred twenty calendar days after the applicant files complete application, subject to the provisions of Section 19.10.110.

ARTICLE II TYPE I—IV PROJECT PERMIT APPLICATIONS

19.10.090 Preapplication conference.

- A. **Recommended Conference.** It is recommended that applicants for project permit Type I-A actions proposing impervious surfaces equal to or exceeding five thousand square feet and/or nonsingle-family structures five thousand square feet or more, Type II, and Type III actions schedule and attend a preapplication conference with the administrator. The purpose of the preapplication conference is to acquaint the applicant with the requirements of the White Salmon Municipal Code and to allow the administrator to provide the applicant with preliminary comments based upon the applicant's preliminary sketch of the proposal.
- B. **Assurances Unavailable.** It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the city's future application or enforcement of all applicable law and ordinances. No statements or assurances made by city representatives shall in any way relieve the applicant of his or her duty to submit an application consistent with all relevant requirements of city, state, and federal codes, laws, regulations and land use plans.
- C. **Optional Conferences.** Preapplication conferences for all other types of applications not specified in this section are optional, and requests for conferences will be considered on a time-available basis by the director.

19.10.100 Development permit application.

- A. Applications for project permits shall be submitted upon forms provided by the city. The applicant is encouraged to schedule a presubmittal conference with the city prior to submittal of the application.
- B. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

1. A completed project permit application form, including SEPA checklist submitted pursuant to White Salmon Municipal Code (WSMC) Title 18.20 Environmental Protection/SEPA Review;
 2. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property. A photocopy of the property deed shall be provided;
 3. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
 4. The applicable fees;
 5. A site plan, showing the location of all proposed lots and points of access and identifying all easements, deeds, restrictions, or other encumbrances restricting the use of the property, if applicable;
 6. Any supplemental information or special studies identified by the city.
- C. In addition to the requirements set forth in subsections A and B of this section, complete application requirements for the following land use permits are set forth in the following sections of the White Salmon Municipal Code:
- [1.] Construction and Grading permits, see Chapter 13.01 of this code;
 - [2.] Boundary Line Adjustments, see [Title] 16 of this code;
 - [3.] Short Plats, see [Title] 16 of this code;
 - [4.] Preliminary Plat, see [Title] 16 of this code for contents of preliminary plat and notice to owners of contiguous land;
 - [5.] Planned Unit and Cottage Developments, see Chapters 16 and 17 of this code;
 - [6.] Site and Building Plan Review, see Chapter 17.80 of this code;
 - [7.] Conditional Uses, see Chapter 17.80 of this code;
 - [8.] Final Plats, see [Title] 16 of this code;
 - [9.] Amendments and Rezones, see Chapter 17.88 of this code;
 - [10.] Shoreline Substantial Development, Conditional Use, or Variance Permits, see WAC 173-27-180.
- D. The city may waive specific submittal requirements determined to be unnecessary for review of an application. In such event, the city shall document the waiver in the project file.

19.10.110 Submission and acceptance of application—Determination of completeness—Additional information and project revisions.

- A. Determination of Completeness. Within twenty-eight calendar days after receiving a project permit application, the city shall mail a determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

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- B. Identification of Other Agencies with Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project permit application shall be identified in the city's determination required by subsection A of this section.
- C. Incomplete Application Procedure.
1. If the applicant receives a determination from the city that an application is not complete or that additional information is required, the applicant shall have one hundred twenty calendar days to submit the necessary information to the city. Within fourteen calendar days after an applicant has submitted the requested additional information, the city shall make the determination as described in subsection A of this section and notify the applicant in the same manner.
 2. If the applicant either refuses in writing to submit additional information or does not submit the required information within the one hundred twenty-day period, the director shall make a determination that the application has been abandoned and is therefore withdrawn.
 3. In those situations where the administrator has deemed an application withdrawn because the applicant has failed to submit the required information within the necessary time period, the applicant will forfeit the application fee.
- D. City's Failure to Provide a Determination of Completeness. A project permit application shall be deemed complete under this section if the city does not provide a written determination to the applicant that the application is incomplete as provided in subsection A of this section. Notwithstanding a failure to provide a determination of completeness, the city may request additional information as provided in subsection F of this section.
- E. Date of Acceptance of Application. When the project permit application is determined to be complete, the director shall accept it and note the date of acceptance.
- F. Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements in Section 19.10.100, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken after submittal. The city's determination of completeness shall not preclude the city from requiring additional information, that the applicant correct plans or perform studies at any time if new information is required for project review, or if there are substantial changes in the proposed action. No application shall be deemed complete before all applicable application review fees stipulated by Chapter 3.36 WSMC as well as fees applicable to other applicable review processes are collected.
1. Any period during which the city has requested the applicant to correct plans, perform required studies, or provide additional information shall be excluded from the time period provided in this chapter.
 2. The time period for requiring additional information shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of: (a) the date the city determines whether the information satisfies the request for information; or (b) fourteen calendar days after the date the information has been provided to the city.
- G. Effect of Project Permit Application Revisions—Substantial Revisions. If, in the judgment of the administrator, the content of an application is so substantially revised by an applicant, either voluntarily or to conform with applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the administrator shall deem the revised proposal to be a new application.

1. In reaching a decision whether a revision is substantial, the director shall consider the relative and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal.
2. Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes.
3. Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record, including the reasons for the administrator's decision.
4. A determination that any revision is substantial shall result in the time periods set forth in this chapter starting from the date at which the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of the determination of completeness of the substantial revision.

19.10.120 Referral and review of development permit applications.

Upon acceptance of a complete application, the administrator shall do the following:

- A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those agencies responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have ten calendar days to comment. The administrator may grant an extension of time if needed.
- B. Environmental Review. Developments and planned actions subject to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with the policies and procedures contained in Chapter 18.20 of this code and Chapter 197-11 WAC. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:
 1. Projects categorically exempt from SEPA; and
 2. Components of planned actions previously reviewed and approved in the White Salmon comprehensive plan or amendments thereto to the extent permitted by law and consistent with the SEPA environmental determination for the planned action.
- C. If a Type III procedure is required, the administrator shall provide for notice and hearing as set forth in Sections 19.10.150 through 19.10.190 of this code.

19.10.130 Scope of project review.

- A. Fundamental land use planning choices made in adopted comprehensive and subarea plans and development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with applicable development regulations, or in the absence of applicable regulations the adopted White Salmon comprehensive plan or subarea plan(s), under Section 19.10.140 of this code shall incorporate the determinations under this section.
- B. During project review, the administrator or any subsequent reviewing body shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted White Salmon comprehensive plan or subarea plan(s). At a minimum, such applicable regulations or plans shall be determinative of the:

1. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as conditional uses, if the criteria for their approval have been satisfied;
 2. Density of residential development; and
 3. Availability and adequacy of public facilities identified in the White Salmon comprehensive plan, if the plan or development regulations provide for funding of these facilities.
- C. During project review, the administrator shall not reexamine alternatives to or hear appeals on the items identified in subsection B of this section.
- D. The administrator may determine that the requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific probable significant adverse environmental impacts to which the requirements apply. In making this determination, the administrator shall:
1. Determine if the applicable regulations require measures that are sufficient to adequately address site-specific, probable significant adverse environmental impacts identified through project application review; and
 2. Determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures.
- E. Nothing in this section limits the authority of the city to approve, condition, or deny a project as provided in its development regulations adopted under Chapter 35A.63 RCW and in its policies and criteria adopted under RCW 43.21C.060, including project review under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code.

19.10.140 Project consistency.

- A. A proposed project's consistency with development regulations adopted under Chapter 35A.63 RCW or, in the absence of applicable development regulations, the appropriate elements of the White Salmon comprehensive plan or subarea plan adopted under Chapter 35A.63 RCW shall be determined by consideration of:
1. The type of land use;
 2. The level of development, such as units per acre or other measures of density;
 3. Infrastructure, including public facilities and services needed to serve the development; and
 4. The character of the development, such as development standards.
- B. In determining consistency, the determinations made pursuant to Section 19.10.130 shall be controlling.
- C. For purposes of this section, the term "consistency" shall include all terms used in this chapter and Chapter 36.70A RCW to refer to performance in accordance with this chapter and Chapter 36.70A RCW, including but not limited to compliance, conformity, and consistency.
- D. Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the administrator from asking more specific or related questions with respect to any of the four main categories listed in subsections (A)(1) through (4) of this section.

ARTICLE III PUBLIC NOTICE

19.10.150 Notice of application.

- A. Time of Issuance. Within fourteen calendar days of issuing the determination of completeness, the administrator shall issue a notice of application on all Type III project permit applications. If an open record predecision public hearing is required or requested, the notice of application shall be issued at least thirty calendar days prior to the hearing.
- B. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.
- C. The notice of application shall be posted on the subject property and at City Hall. The notice of application shall be issued prior to and is not a substitute for the required notice of a public hearing.
- D. Contents. The notice of application shall include:
 - 1. The name of the applicant;
 - 2. The date of application, the date of the determination of completeness for the application and the date of the notice of application;
 - 3. The street address location of the project or, if unavailable, the location in reference to roadway intersections;
 - 4. A description of the proposed project action and a list of the project permits included in the application;
 - 5. The identification of other permits required by other agencies with jurisdiction not included in the application, to the extent known by the city;
 - 6. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
 - 7. The name of the city staff contact and telephone number;
 - 8. A statement of the limits of the public comment period, which shall be ten calendar days following the date of notice of application (or thirty calendar days if the application involves a shoreline master program permit), and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request copy of the decision once made, and any appeal rights;
 - 9. The date, time, place and type of hearing, if applicable, and scheduled prior to issuance of the notice of application;
 - 10. A statement of the preliminary determination of consistency with applicable development regulations and the White Salmon comprehensive plan, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and determination of consistency as provided in Section 19.10.140 of this code;
 - 11. Any other information determined appropriate by the city, such as the city's pending SEPA threshold determination or a statement advising that a final environmental determination shall be made following a comment period;

12. If a local government has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application;
 13. A statement that the final decision on the application will be made within one hundred twenty days from the date of the determination of completeness.
- E. **Public Comment on the Notice of Application.** All public comments on the notice of application must be received in City Hall by five o'clock p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible. Public comments may be provided at any time up to and during the public hearing. However, the city cannot ensure that comments provided after the comment period on the notice of application will be considered and addressed in staff reports on Type III projects. The SEPA threshold determination shall not be issued until after the expiration of the comment period following the notice of application. Regardless of the expiration of the notice of application comment period, any interested party may comment upon the SEPA threshold determination pursuant to applicable SEPA regulations.

19.10.160 Methods of public notice of application.

- A. The city shall provide the public notice of application for a project permit by posting the property and by publication in the city's official newspaper, as provided in this section, unless otherwise provided in this chapter.
1. **Posting.** Posting of the property for site-specific proposals shall consist of one or more notice boards posted by the city as follows:
 - a. A single notice board shall be placed:
 - i. At the midpoint of the site street frontage or as otherwise to allow for maximum visibility; and
 - ii. Where it is completely visible to pedestrians and vehicle traffic.
 - b. Additional notice boards may be required when:
 - i. The site does not abut a public road;
 - ii. A large site abuts more than one public road; or
 - iii. The administrator determines that additional notice boards are necessary to provide adequate public notice.
 - c. Notice boards shall be:
 - i. Maintained in good condition by the applicant during the notice period;
 - ii. In place at least ten calendar days prior to the date of hearing or decision; and
 - iii. Removed within fifteen calendar days after the end of the notice period.
 2. **Published Notice.** Published notice shall include at least the project's street address or location, project description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed in a newspaper of general circulation in the county.

19.10.170 Shoreline master program (SMP) permits.

SMP permits require notice as provided in WAC 173-27-110 and additional mailing of the notice as provided herein:

- A. Mailing. The notice of application shall be mailed to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed.
- B. Content of SMP Notice. Except as provided in subsection C of this section, the content of SMP notices shall be identical to the notice set forth in WAC 173-27-110.
- C. SMP Comment Period. The public may provide comments for thirty calendar days after the notice of publication date. (SMP notice is twenty calendar days longer than the comment period for other Type III permits as required by RCW 90.58.140.) A notice of application for a shoreline substantial development permit shall notify the public of the thirty-day comment period.

19.10.180 Optional additional public notice.

- A. As optional methods of providing public notice of any project permits, the city may:
 1. Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
 2. Notify the news media;
 3. Place notices in appropriate regional or neighborhood newspapers or trade journals;
 4. Publish notice in agency newsletters or send notice to agency mailing lists, either general lists or lists for specific proposals or subject areas;
 5. Mail to neighboring property owners; and
 6. Place notices on the Internet.
- B. The city's failure to provide the optional notice as described in this subsection shall not be grounds or invalidation of any permit decision.

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 **the following**:
 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 not fewer than ten nor more than forty-five days 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.

ARTICLE IV PROJECT REVIEW AND APPROVAL PROCESS

19.10.200 Administrative approvals without notice (Type I-A).

- A. The administrator may approve, approve with conditions, or deny (with or without prejudice) all Type I-A permit applications without notice.
- B. The administrator's decisions under this section shall be final on the date issued.

19.10.210 Administrative approvals subject to notice (Type I-B).

- A. The administrator may grant approval, preliminary approval, or approval with conditions, or may deny (with or without prejudice) all Type I-B permit applications, subject to the notice and appeal requirements of this section. The administrator shall issue written findings and conclusions supporting Type I-B decisions.
- B. Final Administrative Approvals. Administrative decisions under this section shall become final subject to the following:
 - 1. An applicant may appeal the decision to the ~~planning commission~~ hearing examiner; provided, that a written appeal is filed within thirty calendar days after the notice of the decision.
 - 2. If no appeal is submitted, the preliminary approval becomes final at the expiration of the notice period.
 - 3. If a written notice of appeal is received within the specified time the matter will be referred to the ~~planning commission~~ hearing examiner. The decision of the ~~planning commission~~ hearing examiner shall be the final city decision.

19.10.220 City council action.

- A. Actions. Upon receiving a recommendation from the planning commission, an appeal of a planning commission's decision or notice of any other matter requiring the council's attention, the council shall perform the following actions as appropriate:
1. Hold a closed record public hearing and make a decision on a planning commission recommendation;
 2. Hold a closed record public hearing and make a decision on an appeal of a planning commission decision;
 3. Hold an open record public hearing and make a decision on a legislative matter (Type V action);
 4. Make a decision on Type IV actions;
 5. At the council's discretion, hold a public hearing and make a decision on the following matters: other matters not prohibited by law.
- B. Decisions. The city council shall make its decision by motion, resolution, or ordinance as appropriate. In its decision regarding appeals of planning commission decisions, the city council shall adopt written findings and conclusions (either those rendered by the planning commission or findings and conclusions prepared by the council).
1. A city council decision on a planning commission recommendation or on an appeal of a planning commission decision following a closed record public hearing shall include one of the following actions:
 - a. Approve as recommended;
 - b. Approve with additional conditions;
 - c. Modify, with or without the applicant's concurrence; provided, that the modifications do not:
 - i. Enlarge the area or scope of the project;
 - ii. Increase the density or proposed building size; or
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official;
 - d. Deny without prejudice (reallocation or resubmittal is permitted);
 - e. Deny with prejudice (reapplication or resubmittal is not allowed for one year); or
 - f. Remand for further proceedings and/or evidentiary hearing in accordance with Section 19.10.270 of this code.
 2. A council decision following a closed record appeal hearing shall include one of the following actions:
 - a. Grant the appeal in whole or in part;
 - b. Deny the appeal in whole or in part; or
 - c. Remand for further proceedings and/or evidentiary hearing in accordance with Section 19.10.270 of this code.
 3. A council decision on a Type IV action shall include one of the following actions:
 - a. Approve;
 - b. Approve with conditions in accordance with the White Salmon Municipal Code or other regulations; or
 - c. Deny without prejudice (reapplication or resubmittal is permitted).

19.10.230 ~~Planning commission~~ Review and decision (Type II).

- A. The ~~planning commission designated decision-making body~~ shall review and make findings, conclusions and issue ~~final~~ decisions on all Type II permit applications, subject to appeal as designated.
- B. Staff Report. The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the city's development code, adopted plans and regulations. If requested by the ~~planning commission~~ designated decision-making body, the staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.
- C. Planning Commission Hearing. ~~The planning commission shall conduct a~~ A public hearing shall be held on Type II development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations. Notice of the ~~planning commission~~ hearing shall be in accordance with Section 19.10.190. All appeals of administrative project permit decisions shall be considered together with the decision on the project application in a single, consolidated public hearing.
- D. Required Findings. In addition to the approval criteria listed in this code, the ~~planning commission~~ designated decision-making body shall not approve a proposed development unless it first makes the following findings and conclusions:
1. The development is consistent with the White Salmon comprehensive plan and meets the requirements and intent of the White Salmon Municipal Code;
 2. The development is not detrimental to the public health, safety and welfare;
 3. The development adequately mitigates impacts identified under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code; and
 4. For land division applications, findings and conclusions shall be issued in conformance with White Salmon Municipal Code Title 16 and RCW 58.17.110.
- E. Final Decision. In ~~the planning commission's~~ any decision regarding Type II actions, the designated decision-making body ~~it~~ shall adopt written findings and conclusions.
1. The ~~planning commission's~~ decision following closure of an open record public hearing shall include one of the following actions:
 - a. Approve;
 - b. Approve with conditions;
 - c. Deny without prejudice (reapplication or resubmittal is permitted); or
 - d. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
 2. The decision shall be a final decision, appealable in accordance with Sections 19.10.300 and 19.10.310 of this code.

19.10.235 ~~Planning commission~~ review and recommendation (Type III).

- A. The planning commission shall review and make findings, conclusions and issue recommendations on all Type III permit applications.

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- B. **Staff Report.** The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special districts, and evaluating the development's consistency with the city's development code, adopted plans and regulations. If requested by the planning commission, the staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.
- C. **Planning Commission Hearing.** The planning commission shall conduct a public hearing on Type III development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's development code, adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with Section 19.10.190 of this code.
- D. **Required Findings.** In addition to the approval criteria listed in this code, the planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:
1. The development is consistent with the White Salmon comprehensive plan and meets the requirements and intent of the White Salmon Municipal Code;
 2. The development is not detrimental to the public health, safety and welfare;
 3. The development adequately mitigates impacts identified under Chapters 18.10 (Critical Areas Ordinance) and 18.20 (Environmental Protection/SEPA Review) of this code; and
 4. For land division applications, findings and conclusions shall be issued in conformance with Sections 19.10.230 ~~Planning commission~~ review and decision **by the designated decision-making body** (Type II) and 19.10.235 Planning commission review and recommendation (Type III) of this title, and RCW 58.17.110.
- E. **Recommendation.** In the planning commission's recommendation decision regarding Type III actions, it shall adopt written findings and conclusions. The planning commission's recommendation following closure of an open record public hearing shall include one of the following actions:
1. Recommend approval;
 2. Recommend approval with conditions; or
 3. Recommend denial.

19.10.240 Procedures for public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. In cases where scientific standards and criteria affecting project approval are at issue, the chair shall allow orderly cross-examination of expert witnesses presenting reports and/or scientific data and opinions. The hearing body may address questions to any party who testifies at a public hearing. The chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

- C. Testimony or comments by the public germane to the matter.
- D. Rebuttal, response or clarifying statements by the staff and the applicant.
- E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

19.10.250 Procedures for closed record hearings and appeals.

Closed record hearings ~~on planning commission appeals~~ shall be conducted in accordance with the city council's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record hearings shall be conducted generally as provided for other public hearings. Except as provided in Section 19.10.270 of this code, no new evidence or testimony shall be given or received. The parties to an appeal ~~of a planning commission decision~~ of a decision may submit timely written statements or arguments.

19.10.260 Reconsideration.

A party of record at a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within five calendar days of the oral announcement of the final decision. The request shall comply with Section 19.10.310(B) of this code. The council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

19.10.270 Remand.

In the event the city council determines that the public hearing record, the record on appeal as applicable, are insufficient or otherwise flawed, the council may remand the matter back to the ~~planning commission decision-making body as designated~~ planning commission decision-making body as designated or administrator, as applicable, to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work.

19.10.280 Final decision—Exclusions to one hundred twenty-day deadline.

- A. Time. The final decision on a development proposal shall be made within one hundred twenty calendar days from the date of the determination of completeness. In determining the number of calendar days that have elapsed after the determination of completeness, the following periods shall be excluded:
 1. Any time needed to amend the White Salmon comprehensive plan or development regulations;
 2. Pursuant to Section 19.10.110(F) of this code, any time required to correct plans, perform studies or provide additional information; provided, that within fourteen calendar days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review;
 3. Pursuant to Section 19.10.110(G) of this code, substantial project revision(s) made or requested by an applicant, in which case the one hundred twenty calendar days will be calculated from the time that the city determines the revised application to be complete and

- issues a new determination of completeness in accordance with Section 19.10.110(A) of this code;
4. All time required for the preparation and review of an environmental impact statement;
 5. Any time needed to process an application for projects involving the siting of an essential public facility;
 6. An extension of time mutually agreed upon by the city and the applicant;
 7. Any remand to the planning commission.
- B. **Effective Date.** The final decision of the council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance; provided, that the appeal periods shall be calculated from the date of issuance of the land use decision, as provided in the Land Use Petition Act, Chapter 36.70C RCW. For the purposes of this chapter, the date on which a land use decision is issued is:
1. Three days after a written decision is mailed by the city or, if not mailed, the date on which the city provides notice that a written decision is publicly available;
 2. If the land use decision is made by ordinance or resolution by the city council sitting in a quasi-judicial capacity, the date the city council passes the ordinance or resolution; or
 3. If neither subsection (B)(1) nor (2) of this section applies, the date the decision is entered into the public record.
- C. **Notice of Decision.** Upon issuance of the final decision, administrator shall mail or hand deliver a copy of the final decision to the applicant, any persons who have filed a written request for a copy of the decision, and to all persons who submitted substantive written comments on the application. The notice of decision shall include a statement of the threshold determination made under Chapter 18.20 (Environmental Protection/SEPA Review) of this code and the procedures for an appeal (if any) of the permit decision or recommendation.
- D. **Notice of Delayed Decision.** If the city is unable to issue its final decision within the time limits provided in this chapter, the city will provide written notice of this fact to the applicant. The notice shall contain a statement of reasons why the time limits have not been met and an estimated date for issuance of the final decision.

ARTICLE V APPEALS

19.10.290 Appeal of administrative interpretations and approvals (Type I-A and I-B).

Administrative interpretations may be appealed, by applicants or parties of record, to the ~~planning commission. decision-making~~ decision-making body as designated Type I-A ~~approvals decisions~~ may be appealed to the ~~planning commission hearing examiner. in accordance with Section 19.10.200.~~ The decision is final on the date issued and no notice of the decision is required. Type I-B decisions ~~approvals~~ may be appealed to the ~~planning commission hearing examiner~~ in accordance with Section 19.10.210 Administrative approvals subject to notice (Type I-B) of this title.

19.10.300 Appeal of ~~planning commission~~ Type II Planning Commission decisions (Type II) — Standing to appeal.

~~Planning commission~~ **Type II Planning commission** decisions may be appealed by parties of record from the open record hearing to the city council. "Parties of record" include: the land use permit applicant; persons who have testified at the open record hearing; and any persons who have submitted written comments concerning the application that forms part of the public record that is considered at the open record hearing (excluding persons who only signed petitions or mechanically produced form letters).

19.10.310 Appeals—Procedure.

- A. Filing. Every appeal of an administrative decision ~~, as well as planning commission decisions,~~ shall be filed with the administrator within thirty calendar days after the date of the recommendation or decision of the matter being appealed. ~~Provided, however, a~~ Appeals of Type II **Planning Commission** decisions shall be filed within the time periods set forth in ~~Section 19.10.210 of this code~~ (thirty calendar days) and SEPA appeals shall be filed in accordance with Chapter 18.20 (Environmental Protection/SEPA Review) of this code (ten calendar days). A notice of appeal shall be delivered to City Hall by mail or personal delivery, and must be received by five o'clock p.m. on the last business day of the appeal period, with the required appeal fee.
- B. Contents. The notice of appeal shall contain a concise statement identifying:
1. The decision being appealed;
 2. The name and address of the appellant and his or her interest(s) in the matter;
 3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
 4. The desired outcome or changes to the decision; and
 5. The Appeal Fee. All requests for reconsideration filed pursuant to Section 19.10.260 of this code shall contain all information required in this section.
- C. Any notice of appeal not in full compliance with this section shall not be considered, and the appellant shall be so notified.

19.10.320 Judicial appeal.

- A. Appeals from the final decision of the city council and appeals from any other final decisions specifically authorized (subject to timely exhaustion of all administrative remedies) shall be made to Superior Court within twenty-one calendar days of the date the decision or action became final, as defined in Section 19.10.280(B) of this code, unless another time period is established by state law or local ordinance. All appeals must conform with procedures set forth in Chapter 36.70C RCW.
- B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk, and all persons identified in RCW 36.70C.040, within the applicable time period. This requirement is jurisdictional.
- C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. Prior to the preparation of any records, the appellant shall post with the city clerk an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.

19.10.330 Effective date—Severability.

- A. Effective Date. This chapter shall be effective on December 1, 2012; provided, however, all complete land development applications meeting all requirements of the White Salmon Municipal

Code filed on or after December 1, 2012 shall be subject to the requirement of a single, consolidated open record public hearing, including the requirements set forth in Sections 19.10.200 through 19.10.320 of this code.

- B. Conflict with Other Procedures. In the event of a conflict in project application and/or public hearing procedures found elsewhere in the White Salmon Municipal Code or found in the White Salmon shoreline master program, and the requirements of this chapter, the requirements and procedures set forth in this chapter shall prevail.
- C. Severability. If any clause, sentence, paragraph, section or part of this chapter or its application to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such order or judgment shall not affect the validity or constitutionality of the remainder of any part of this chapter. To this end, the provisions of each clause, sentence, paragraph, section or part of this law are declared severable.

19.10.340 Land development permit and appeal fees.

Land use permit and appeal fees are set in Chapter 3.36 WSMC.

Chapter 19.20 COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS

19.20.010 Purpose and definitions.

- A. Purpose. The purpose of this chapter is to establish the type of action, procedures for suggesting amendments, and to encourage public participation for comprehensive plan, subarea plan, and development regulation amendments.
- B. Definitions. The following definitions shall apply throughout this chapter:
 1. "Comprehensive land use plan" or "comprehensive plan" means a generalized coordinated land use policy statement of the city of White Salmon that is adopted pursuant to RCW 35A.63.
 2. "Development regulation" means the controls placed on development or land use activities by the city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, and land division ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, even though the decision may be expressed in a resolution or ordinance of the city council.
 3. "Subarea plan" means a section of the comprehensive plan which contains specific policies, guidelines, and criteria adopted by the council to guide land development, transportation facilities, community facilities, infrastructure, and capital improvement decisions within specific subareas of the city. The subareas of the city shall consist of natural homogenous communities, distinctive geographic areas, or other districts having unified interest.

19.20.020 Type of action.

An amendment to the comprehensive plan, a subarea plan, or the development regulations is a Type V (legislative) action and shall be considered in accordance with the procedures for such actions as set forth in this chapter. Criteria and considerations for amendments to the comprehensive plan are listed in the plan.

19.20.030 Application.

- A. An amendment to the comprehensive plan, a subarea plan, or the development regulations may be initiated by the city council, planning commission, planning administrator, or an owner(s) of real property within the city.
- B. An application made by a private party for a comprehensive plan, subarea plan, or development regulation amendment shall contain the following:
 - 1. Name, address and telephone number of the person(s) suggesting the amendment;
 - 2. Citation of the specific text, map, or other illustration suggested to be amended;
 - 3. The suggested amendment such as the proposed amendatory language, if applicable, with new language underlined and language proposed for deletion in strikeout;
 - 4. A statement of how the amendment is in the public interest;
 - 5. In the case of an amendment to the development regulations, a statement of how the amendment complies with the comprehensive plan;
 - 6. In the case of an amendment to the comprehensive land use plan map, a statement explaining how the subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provision of utilities, compatibility with neighboring land uses, and absence of physical constraints, and all materials specified in Chapter 17.88.040;
 - 7. Any additional information deemed reasonably necessary by the administrator to evaluate the proposed amendment; and
 - 8. Application fee(s) as established in Chapter 3.36 Land Use of Title 3 Revenue and Finance, WSMC.

19.20.040 Timing and process for consideration of suggested amendments.

- A. Comprehensive plan and subarea plan amendments (text and map) shall be considered once annually. All amendments requested by the city or private parties shall be reviewed concurrently to ensure that the integrity of the comprehensive plan or subarea plan is preserved. All plan amendments are to be provided in writing and are to be submitted no later than December 31st of every year. Plan amendments shall be considered by the planning commission no later than April 30th of the following year and by the city council within sixty days of receipt of the recommended amendments.
- B. Development regulation amendments may be initiated at any time.
- C. The planning commission shall make recommendations to the city council on all comprehensive plan matters, including amendments to the plan text and map, development regulations, and subarea plans.
- D. Suggested amendments shall be considered by the city council or planning commission, in duly advertised public hearings, public meetings, workshops, and other settings as warranted to ensure that each suggested amendment is thoroughly deliberated. Continued hearings may be held at the discretion of the city but no additional notices need be published.
- E. Upon completion of the hearing or hearings on amendments to the comprehensive plan or subarea plan, the planning commission shall transmit a copy of its recommendations to the legislative body

through the planning administrator, who shall acknowledge receipt thereof and direct the clerk to certify thereon the date of receipt.

19.20.050 Public participation.

- A. The public shall be made aware of the opportunity to suggest plan amendments and to comment on suggested amendments through methods including, but not limited to, direct mailings, newsletter and newspaper articles, legal advertisements, and notices posted in public places.
- B. At least one public hearing shall be held on any proposed amendment. Public notice requirements shall be as set forth in Sections 19.10.150 through 19.10.190 of the preceding chapter.

19.20.060 Criteria for approval.

In order for an amendment to be approved, the council must find that:

- A. The suggested amendment is in the public interest;
- B. The suggested amendment is consistent with the provisions of the White Salmon comprehensive land use plan;
- C. In the case of an amendment to the comprehensive land use plan map, the subject parcels are physically suitable for the requested land use designation(s) and the anticipated land use development(s), including, but not limited to, access, provision of utilities, compatibility with neighboring land uses, and absence of physical constraints; and
- D. The suggested amendment addresses a need which was improperly or inadequately addressed by the present text or map.

19.20.070 Council action.

- A. For comprehensive plan and subarea plan amendments, the city council shall consider a recommended amendment within sixty days of its receipt.
- B. After considering any recommendations and public comments, the council shall approve, approve with modifications, disapprove, or remand the proposed amendment to the planning commission for further proceedings based on the criteria required by this chapter and any other applicable provisions. If the city council remands the proposed amendment, it shall specify the time in which the planning commission shall report back to the city council its findings and recommendations on matters referred to it.
- C. Any amendment to the comprehensive plan or a subarea plan shall be adopted by resolution. An affirmative vote of not less than a majority of the total members of the city council shall be required for adoption of a resolution to amend the comprehensive plan.
- D. Any amendment to the development regulations shall be adopted by ordinance. [An] affirmative vote of not less than a majority of the total members of the city council shall be required for adoption of an ordinance.

19.20.080 Denial of suggested amendments.

When a suggested amendment to the comprehensive plan, a subarea plan, or development regulations is denied, the same amendment shall not be considered again for a period of at least one year, unless the city council determines that the amendment meets one of the two following criteria:

- A. The amendment is essential to allow the siting of an employer who will bring more than twenty-five jobs into the community within one year; or
- B. The city council declares a state of emergency and adopts findings which clearly demonstrate that the amendment is essential to preserve or promote the general health, safety, or welfare of the city and/or its residents.

Section 2. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. This Ordinance shall take effect and be in force five (5) days after its publication according to law.

Section 4. Transmittal to the State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

Passed by the council and approved by the Mayor on this 17th day of January, 2024.

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk Treasurer

Shawn MacPherson, City Attorney

File Attachments for Item:

C. Ordinance 2024-01-1159 Amending WSMC Chapter 17.80 Conditional Uses, Variances, and Appeals

1. Presentation
2. Public Hearing
3. Discussion and Action

**CITY OF WHITE SALMON
ORDINANCE NO. 2024-01-1159**

**AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODE CHAPTER 17.80
CONDITIONAL USES, VARIANCES, AND APPEALS FOR THE CITY OF WHITE SALMON,
WASHINGTON, INCLUDING SERVABILITY DATE.**

WHEREAS, The City of White Salmon adopted updates to WSMC 17 Zoning and WSMC 2.21 Hearings Examiner;

WHEREAS, The City of White Salmon has identified sections of code that need to be updated to be consistent with the changes adopted on December 20, 2023.

NOW, THEREFORE, the City Council of the City of White Salmon do ordain as follows:

Section 1. Amendment to Title 17.80 Conditional Uses, Variances, and Appeals; The City hereby repeals WSMC Title 17 Chapter 17.80 in their entirety, and adopts the following to be codified as WSMC Title 17 Chapter 17.80

Key: ~~**Bold and Strike through**~~ means repealed.

Bold and underline means new.

17.80.010—17.80.050 Reserved.

17.80.055 Conditional use permit purpose and criteria.

The ~~administrator or the planning commission~~ **hearing examiner** 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 subject to hearing examiner 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.

17.80.058 Variance purpose and criteria.

Application for variances from the terms of this title; provided, that any variance granted shall be subject to such conditions as will assure compliance with the following purpose and criteria:

1. Purpose. The purpose of the variance process is to provide a mechanism whereby the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of this chapter and of the city comprehensive plan can be fulfilled.
2. Scope. This section shall apply to each application for a variance from the provisions of this chapter.
3. Application Submittal and Contents. The application for a variance shall be submitted to the city on forms provided by the city, along with the appropriate fees established by city fee

- regulations. The application shall include all materials required pursuant to application requirements.
4. Permit Review Process. Variance applications shall be processed as a Type II decision according to the procedures set forth in Title 19.
 5. Approval Criteria. The decision maker may approve or approve with modifications an application for a variance from the provisions of this chapter if:
 - a. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located;
 - b. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;
 - c. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located;
 - d. The special circumstances of the subject property make the strict enforcement of the provisions of this chapter an unnecessary hardship to the property owner;
 - e. The special circumstances of the subject property are not the result of the actions of the applicant;
 - f. The variance is the minimum necessary to fulfill the purpose and the need of the applicant;
 - g. The variance is consistent with the purposes and intent of this chapter;
 - h. The variance is consistent with the goals and policies of the city comprehensive plan; and
 - i. The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

17.80.059 Appeals.

Appeals. The applicant may appeal any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this chapter per provisions of Title 19, Article V Appeals.

17.80.060 Conditional use permit or variance—Hearing.

Upon ~~the~~ filing of an application for a conditional use permit or a variance, the ~~planning commission~~ **administrative official** shall set the time and place for a public hearing on such matter, and written notice thereof shall be mailed pursuant to the procedures of Title 19.

17.80.070 Appeals—Filing time.

Any person aggrieved, or by any officer, department, board or bureau affected by any decision of an administrative official may be entitled to file an appeal pursuant to the procedures set forth in Title 19, which shall be the exclusive section for administrative and land use appeals in this code.

Section 2. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. This Ordinance shall take effect and be in force five (5) days after its publication according to law.

Section 4. Transmittal to the State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

Passed by the council and approved by the Mayor on this 17th day of January, 2024.

Marla Keethler, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Porter, Clerk Treasurer

Shawn MacPherson, City Attorney

File Attachments for Item:

A. Department Head Reports



DEPARTMENT REPORT FINANCE / CLERK

Meeting Date: February 7, 2024
Presented By: Stephanie Porter, Clerk Treasurer

Daily Operations / What's Happening:

- **Public Records Request** – 1 request this period
- **Daily Reconciliation**
- **Quarterly Taxes**
- **Monthly reporting and taxes** - Next due in January 2024
- **Send Ordinances to Municode for code update.**
- **Reviewing Utility Adjustment**
- **Review and approve Utility Billing**
- **Review and Approve Accounts Payable**
- **Record Retention**
- **Grant quarterly reporting**
- **Working with Anderson Perry** regularly for USDA contractor reimbursements-tracking for the Main line Phase 1 Project.
- **One-Time Leak Forgiveness Applications** – 0 new received.
- **Payment Plan Applications** – 0 received.
- **Low Income Utility Discount Program** Application is available on website, program is active. **Number of New Applications this period** – 0
- **Utility Grievance** – 3 received
- **Follow up on existing insurance claims.**
- **Scheduling Translation Services for Public Hearings** – maintaining equipment.
- **Clean up and set up of Council Chambers**

New Projects:

- **Public Hearing Calendar**
- **Emergency Small Works Contracts and Contract Extensions**
- **Signed up to host a booth at the Columbia High School Career Fair in March**
- **ARPA Surplus Process**
- **Public Record Grant Application** – assistance in converting to electronic.
- **Organizing Contract Signings with Engineers.**

Existing Projects Progress:

- **Annual Reports:** USDA, Lodging Tax, Financial, ARPA/SLFRF Funds
- **Misc 1099 and W2 for 2023** Completed
- **December End of Year Closeout.** – working with Leana from Stevenson
- **Annexation of N Main Island** – Annexation has been recorded with Klickitat County. Working on Census Data as last part of packet to go to Office of Financial management. **Working directly with OFM to confirm Census Information.**
- **Working with Police Department to create a Scope of Work** for a Janitorial Contract for City Hall and the Police Department
- **Communication with PWB** regarding the contract for \$8,045,000 preliminary award for Mainline Phase IIA –received draft contract for review. Should have final to sign by mid January 2024. **No new information at this time.**
- **Working with Springbrook to get access to the Chart of Accounts (budget) for all department heads-** ongoing.

- **Working with administration to appoint a Labor Management Board** – part of the MBA.- **ongoing**
- **Intent to Annex received.** Date set for meeting with applicants January 17, 2024. – after the council meeting, if council approves the intent, the applicants will complete a petition of property owners. The planning department will put together a staff report and the council will hold a final annexation hearing were acceptance will be allowed by the council if they desire. **Moved to February 7 meeting due to weather cancelation of the January 17 meeting.**
- **LOCAL Bond Program** – confirming application deadlines and receiving equipment quotes for a Sweeper Trcka and Bucket Truck to present to the LOCAL Bonding for approval. **Notice of Intent to Apply and Credit Form have been received and will be completed and returned to complete the prerequisites for the LOCAL program.**

Upcoming Events/Trainings:

- Tree Board Meeting – February 12 - 5:00pm
- Community Development Committee Meeting – February 13 - 5:00pm
- City Lab Board Meeting – February 13 - 6:00pm
- WA Municipal Clerks Associations Annual Conference – March 20-22, 2024
- Career Day – Columbia High School – March 27, 2024
- NW Clerks Institute – Professional Development I – June 2-7, 2024

Bingen-White Salmon
Police Department

142 E Jewett Blvd / PO Box 2139
White Salmon, Washington 98672

Mike Hepner, Chief of Police

Telephone (509) 493-1177 Fax (509) 493-1007



DEPARTMENT HEAD REPORT

Department: Police

Meeting Date: February 7, 2024

Presented By: Chief Mike Hepner

Administration:

- WS Council Meeting
- Bingen Council Meeting
- Klickitat County Behavior Health meeting
- Klickitat Community Link Project (K-LINK) Meeting

A collaboration of community partners working together to better connect their services and better serve the community

Patrol Division:

The Bingen-White Salmon Police Department prides itself in reducing the incidence and fear of crime, ensuring justice, and safeguarding the rights of all, to provide for a safe and vibrant community.

The Bingen-White Salmon Police Department will accomplish this by working in partnership with the community we serve to enhance our law enforcement effectiveness.

I ask the Officers to prioritize their time by making calls for service as the top priority. Second to be visible in the community which means driving through neighborhoods and being seen by the public and lastly speed enforcement, parking issues, or whatever the community deems important to them.

- January 2023 and 2024 calls for service will be attached next council date
- As of February 7, 2024 the Police Department has handled over 60 calls since the last council meeting 40 being in the city of White Salmon.
- In this time frame there were 4 Motor Vehicle Collisions, 2 in each city.

File Attachments for Item:

C. Committee Reports



Tree Board Report

Meeting Date: N/A – The Tree Board did not convene in January
Presented By: David Lindley

Current Projects:

Working on submitting Green Legacy Hiroshima application

Upcoming Projects:

February Meeting Topics:

- Identify City Tree Maintenance needs to prepare for RFP release for subcontracted work.
- Discuss suitable City owned locations for future tree planting by UCD and others
- Discuss – WDFW BMPs for Oregon White Oak Habitat
- 2024 Education and Outreach plans: quarterly tree news, guided walks, etc.
- Hiroshima Tree Project

David Lindley will participate in kick-off meeting with City staff and consultant on WS Heritage Tree Ordinance Revisions (3/11/24)

Completed Projects:

Reviewed and submitted feedback on Board “focus areas” for 2024

Updates for the Community / Upcoming Events:

Tree Fest/Arbor Day Celebration and Plant Sale – Saturday March 23, 2024

Collaboration Updates (other jurisdictions/entities):

Tree Fest/Arbor Day collaboration with UCD

Collaboration with UCD to identify suitable sites for tree planting in conjunction with Tree of Heaven eradication efforts.

Follow Up to Previous Actions: N/A