



CITY OF WHITE SALMON
City Council Regular Meeting – Wednesday, September 15, 2021
Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

Jason Hartmann
 David Lindley
 Ashley Post
 Jim Ransier
 Joe Turkiewicz

Staff Present:

Marla Keethler, Mayor
 Jan Brending, Clerk Treasurer
 Ken Woodrich, City Attorney
 Pat Munyan, City Administrator
 Bill Hunsaker, Building Official/Fire Chief
 Russ Avery, Public Works Operations Mgr.
 Stephanie Porter, Deputy Clerk
 Brendan Conboy, Land Use Planner

I. Call to Order, Presentation of the Flag and Roll Call

Marla Keethler, Mayor called the meeting order at 6:00 p.m.

There were approximately 6 members of the public in attendance via teleconference.

II. Consent Agenda

- A. Proclamation 2021-004, Clearing October 3, 2021 Soroptimist International of Mt. Adams Day
- B. Approval of Meeting Minutes – August 18, 2021
- C. Approval of Meeting Minutes – September 1, 2021
- D. 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 15th day of September, 2021.

Type	Date	From	To	Amount
Claims	9/15/2021	EFT	EFT	14,682.82
	9/15/2021	37396	37432	222,396.15
			Claims Total	237,078.97
Payroll				
			Payroll Total	0.00
Manual Claims	9/6/2021	EFT	EFT	2,659.69
	9/7/2021	EFT	EFT	-30.00
	9/10/2021	EFT	EFT	7,920.00

			Manual Total	10,549.69
			Total All Vouchers	247,628.66

Jason Hartmann, Council Member noted that the meeting minutes are from the August 18, 2021 not August 13. Jan Brending, Clerk Treasurer said the meeting minutes are correctly dated but are incorrectly listed in the Consent Agenda.

***Moved by Jason Hartmann. Seconded by Ashley Post.
 Motion to approve Consent Agenda as presented. CARRIED 5-0.***

III. Public Comment

There was no public comment

IV. Changes to the Agenda

Marla Keethler, Mayor said she would like to make the following changes to the agenda:

1. Move the Executive Session related to Real Estate prior to Business Items.
2. Remove the 2nd Executive Session related to potential litigation.
3. Add a Business Item "Under Canvas Development Decision".

***Moved by Ashley Post. Seconded by Jim Ransier.
 Motion to move Executive Session related to Real Estate prior to Business Items and remove the Executive Session related to potential litigation. CARRIED 5-0.***

***Moved by Jim Ransier. Seconded by Joe Turkiewicz.
 Motion to add "Under Canvas Development Decision" as a Business Item. CARRIED 5-0.***

V. Executive Session

Marla Keethler, Mayor announced at 6:10 p.m. that the City Council will meet in Executive Session for 15 minutes to discuss the acquisition or purchase of real estate pursuant to RCW 42.30.110(1)(b).

Jan Brending, Clerk Treasurer announced at 6:25 p.m. the City Council will continue in Executive Session for an additional 10 minutes.

The City Council resumed regular session at 6:35 p.m. Staff was directed to proceed as discussed with no decision being made.

VI. Presentations

A. Hispanic Heritage Month

Jim Ransier, Council Member introduced the video "America Ferrera: My identity is a superpower – not an obstacle," a Ted Talk video.

VII. Business Items

A. Critical Area Heritage Tree Variance Request, 2021-002, Kurt Von Rueden – 567 SW Waubish Street

Marla Keethler, Mayor reviewed the procedures related to the Critical Area Heritage Tree Variance Request as it relates to a land use decision. Council members did not report an ex parte contact or conflicts of interest.

Brendan Conboy, Land Use Planner presented information related to the Critical Area Heritage Tree Variance Request submitted by Kurt Von Rueden for property located at 567 SW Waubish Street. He said Von Rueden is seeking a variance to White Salmon Municipal Code 18.10.317 Special Provisions – Heritage Trees and relief of White Salmon Municipal Code 18.10.212 Building Setback Lines. He said the variance request is seeking permission to remove three heritage trees and relief from two heritage tree protection areas and buffers in order to demolish and existing single-family dwelling and detached garage in order to build a new single-family residence with attached garage. Conboy said the three trees that have been identified for removal are in good health and with obvious signs of stress, decay, pathogens, or major structural defects.

Kurt Von Rueden, Applicant said that it is possible that tree #3 may not have to be reviewed. He said it is his goal to save as many trees as possible. Von Rueden said he was not aware of the heritage tree issue until approximately one month ago. Von Rueden said he has spent a considerable amount of funds prior to learning about the issue. He noted that reason the trees must be removed is because the location of the buildings is subject to building setback requirements in the city's zoning code. Von Rueden noted there are over 45 trees located on the property.

Council members discussed the variance request and noted the council's previous decisions on similar requests. Jason Hartmann, Council Member noted the applicant should be required to develop a plan to protect the remaining trees on the property.

Kurt Von Rueden noted that he plans to plant more trees around the property when construction is completed.

Jim Ransier, Council Member asked what would be included in a plan to protect the trees.

Brendan Conboy, Land Use Planner said it should include the identification of how the remaining trees are protected and maintained.

Ken Woodrich, City Attorney said that any replacement requirement as part of a management plan should be added to a motion.

Moved by Jim Ransier. Seconded by Jason Hartmann.

Motion to approve variance request submitted by Kurt Von Rueden for a variance of WSMC 18.10.317 – Special Provisions-Heritage Trees to allow the removal of tree numbers #3, #7, and #8, and allow the encroachment into the building setback line to

trees #9 and #10 for the property addressed at 567 Waubish based upon the findings for a variance as provided in WSMC 18.10.125(d) and the staff report related to 1) special privilege, 2) reasonable use, 3) not self-created circumstances, 4) public welfare, 5) minimum variance necessary, 6) alternatives evaluated, 7) alignment to comprehensive plan and polices, and 8) Washington Department of Fish and Wildlife notification with a condition of approval that the applicant shall prepare a Heritage Tree Management Plan, including the replacement of the three trees to be removed, to be reviewed and approved by the Planning Director prior to commencing any site grading or construction activity. CARRIED 5-0.

B. Under Canvas Development Decision

Marla Keethler, Mayor said no agenda memo has been provided to the City Council on this topic. She said Klickitat County has made a final decision on the Under Canvas development project located in the Husum area. Keethler said she wants to make it clear that the city is not taking legal action or seeking to take legal action against Under Canvas. She said the recent decision does give the city concerns on how Under Canvas how to mitigate their anticipated water use and what they suggest is their anticipated water use. Keethler said their stated gallons of water usage per day limit that is stated raises concerns from the city has to how that anticipated need for water will be met. She said Under Canvas itself has filed a lawsuit alleging that some of the conditions of approval are too strict and seeking to undue some of the conditions requiring them to report water usage. Keethler said there is a group of individuals and/or entities that are filing in Klickitat County Superior Court to challenge the decision and it is staff's desire to provide a supporting brief outlining some of the concerns the city has as water provider and user. She said staff is asking for city council approval of staff dedicating some time to submit a brief in support or to not. Keethler said this is an issue that has been working through the process over the last year and a half.

Jason Hartmann, Council Member said that he thought at one time there was a question about Under Canvas desiring to purchase or use some of the city's water rights.

Pat Munyan, City Administrator said that is correct. He said Under Canvas was told the city was not interested at that time.

Hartmann asked what the specific concerns are.

Munyan said the concern is that through the SEPA process which identifies certain criteria including impacts and mitigation that the area related to water is very vague as to how Under Canvas is going to obtain water to serve 95 units when they only plan on drilling a domestic water well that only allows the maximum of 5,000 gallons of water per day but they need 13,500 gallons of water per day. He said it is not clear as to where they are getting the additional water to serve the development. Munyan said they may need to lease water rights from somewhere else.

Hartmann asked if they could lease water rights from somewhere else.

Munyan said it is his recommendation to not lease water rights to Under Canvas. He said his concerns that if they get a diversion from the White Salmon River through the White Salmon Irrigation District that it will have an impact on the city. He said the impacts were never addressed including where they are getting the additional water and whether it will impact the city's water usage. Munyan said another concern is that the preparation of the SEPA document states there is no intention to percolate water but that the County Health Department said an onsite wastewater treatment facility will be necessary and therefore onsite percolation would occur.

David Lindley, Council Member said that in his day job he was unable to make the water usage pencil out. He asked clarification on how the city would participate. Lindley asked who the city would be joining with. Lindley asked Munyan that if Under Canvas obtained a surface water right would it potentially infringe on the city's water rights.

Munyan said it depends on where the diversion would take place.

Ken Woodrich, City Attorney, said the city's participation would be as an amicus, a friend of the court. He said the city would submit a brief outlining its position. Woodrich said the city would not have a direct SEPA appeal status because the city was not a required SEPA notice recipient.

Munyan said the city did receive an email notice but the city was not on the direct SEPA notification list.

Woodrich said this be joining another appellant filing an amicus to assist them in filing the city's position. He said the city needs to be careful with whoever they are joining because it could reflect on the city politically.

Lindley said the Under Canvas development is one that hasn't been seen in this area and doing due diligence to ensure that the development does not negatively impact the city's water resources.

Jim Ransier, Council Member said that if the city thinks if the city's water rights are at risks he would be supportive of protecting those rights.

Munyan said he feels the city's position should be that the city feels the SEPA process did not do enough to provide information that legitimate questions have been appropriately answered.

Marla Keethler, Mayor said that the entities that have joined together to file the lawsuit are the Klickitat Land Preservation Fund, Friends of Oakridge and Dennis and Bonnie White.

Ransier asked what the motion is that staff is seeking.

Keethler said staff is seeking authorization to expend staff and attorney time on drafting and formally presenting the amicus brief or for council to say thank you for briefing this on the issue but at this time we are not in support of filing a brief.

Jason Hartmann, council Member asked if the city would be able to state its position related to its water rights and usage without joining either side in the case. He said he is not ready to take a position on the project itself but is ready to take position that the city does not want to give up any of its water rights.

Keethler said that what is being considered is where does the city feel comfortable in this situation. She said the city has taken issue as to how the project went through the process. Keethler said that staff thought that the SEPA process would address the issues the city has related to water usage. She said the city could publicly state its concerns without attaching those comments to a legal case. Keethler said the city cannot submit its own legal case as it does not have standing in the decision-making process. She noted that the Under Canvas track record in other communities several to White Salmon is not great when it comes to Under Canvas following through with what has been approved earlier in the process. Keethler said that gives the City pause that it needs to be more proactive. She said water use has been an issue at other locations they operate. Keethler said that Under Canvas is appealing the requirements related to water use.

David Lindley said the concerns are legitimate and that identifying the source of water to serve the development should be identified before the development is approved and that due diligence should have been performed.

The council and staff discussed further how the city should be involved.

Keethler said that she wants to be clear that the city is seeking to file the amicus brief is taking issue with the way the process was handled specifically in relation to Under Canvas' water use. She said the city is not approaching the brief to make larger or more pronounced comments about the whole process but wanting to focus in on the critical decisions that came out of the process that the city takes issue with.

Moved by Jason Hartmann. Seconded by David Lindley.

Motion to authorize the city attorney to proceed in the filing of an amicus brief in Klickitat County Superior Court in the case challenging the decision regarding the Under Canvas project. CARRIED 5-0.

VIII. Reports and Communications

A. Department Heads

Bill Hunsaker, Fire Chief/Building Official said the county-wide burn ban has been extended to October 14 or 15th. He said that he supports that decision.

Russ Avery, Public Works Operations Manager said the gas company has reached Estes and plans to go up Tohomish Street. He noted there is also work being done at the

substation north of the Hood River Bridge. Avery said the El Camino Real water and reservoir removal project will start on September 21st. He said the city continues to receive requests for new water services.

Pat Munyan, City Administrator said the city's engineer is working with Washington Department of Transportation (WSDOT) on the Jewett/Garfield roundabout. He said it is the city's goal to make sure that project is ready to go in December so it can be bid out early in 2022. Munyan said discussions continue with the Department of Natural Resources. He said the city's work on manholes will take place in 2022 due the gas company work. Munyan said the city has made a request to the Department of Health and Department of Ecology to shutdown early the pilot slow sand filter test on the White Salmon River. He said there have been a lot of turbidity in the river and complications with water levels dropping. Munyan said the pool demolition will begin on October 9. He said the city has worked with the school district to determine the hours and days when the work will take place.

Brendan Conboy, Land Use Planner said a meeting has been scheduled with Klickitat County on October 11 to reengage with the county on land use issues. He said he is also working on several grant applications that are due in October. Conboy said he continues to work on developing proposed codes related to short-term rentals. He said this will be brought back to the City Council for consideration. Conboy said he is also working on limited updates to the city codes, addressing areas of immediate concern and working with the Tree Board on a heritage tree ordinance.

Jan Brending, Clerk Treasurer said she is working through the audit and developing the 2022 budget. She said the Lodging Tax Advisory Committee will meet on September 29, 2021 to establish program guidelines for the upcoming lodging tax grants.

Ken Woodrich, City Attorney said participating in an appeal of the Under Canvas development decision will depend on what the appellant's attorney wants from the city. He said it could range from providing affidavits to full amicus participation. Woodrich said he will participate in a way to advance the city's position.

B. City Council Members

Jim Ransier, Council Member said the next Community Development Committee meeting is on Monday, September 20 at 5:30 p.m.

Jason Hartmann, Council Member said the City Operations Committee will meet on Tuesday, September 21 at 5:30 p.m.

David Lindley, Council Member said the Tree Board met last Wednesday and discussed the heritage tree ordinance.

Ashley Post, Council Member said the Tree Board also talked about planting trees this fall or possibly delaying the planting to next spring as part of the 150th celebration of Arbor Day. She said the Tree Board also discussed the idea of education to incentive

and get people excited about trees. Post said she feels the Tree Board made some good progress on the heritage tree ordinance and looks forward to getting input from Brendan Conboy the city's new land use planner. She said the City Operations Committee will be discuss crosswalks at Jewett/Garfield and Jewett/Grandview in addition to park planning at the next meeting.

C. Mayor

Marla Keethler, Mayor said that Columbia Cascade Housing has received funding to make improvements at Rhine Village. She said ownership of Rhine Village will be transferred to Columbia Cascade Housing. Keethler said the funding will help ensure that long-term affordable housing remains in White Salmon. She said she and Brendan Conboy, Land Use Planner met with the director of Catholic Charities out of Yakima on housing. Keethler said the idea of a Jewett boardwalk improvement is still moving forward but there is a need to address safety but still keep the cost low. She said that COVID-19 continues to be an ongoing issue in the county and White Salmon. Keethler encouraged everyone to follow COVID-19 guidelines and participate in responsible practices.

IX. Adjournment

The meeting adjourned at 8:01 p.m.



Marla Keethler, Mayor



Jan Brending, Clerk Treasurer