



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, February 8, 2023

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chairman
Ross Henry
Tom Stevenson
Michael Morneault (Arrived 5:38 PM)
Seth Gilchrist (Absent Excused)

Staff:

Jeff Broderick, City Land-Use Planner
Erika Castro Guzman, City Associate Planner
Kenneth Woodrich, City Attorney

CALL TO ORDER/ ROLL CALL

Chairman Greg Hohensee called the meeting to order at 5:34 p.m. A quorum of planning commissioner members was present. Nine audience members attended in person or by teleconference.

PUBLIC COMMENT

No written public comment or spoken testimony was made.

PUBLIC HEARING

1. Proposed Variance 2022.002

Public Hearing

Greg Hohensee, the Chairman, opened the public hearing at 5:38 p.m. and read the Appearance of Fairness Doctrine to the planning commissioners for the public hearing; no conflict of interests or concerns arose.

Staff Presentation

The Land-use Planner, Jeff Broderick, presented the variance report to the Planning Commission.

The purpose of this public hearing is to hear Variance Application WS-VAR-2022-002 to request a modification from White Salmon Municipal Code 17.24.035(A.3) regarding dwelling standards: the requirement for all dwelling not to be less than twenty feet in width at the narrowest point of its first story. The applicant desires to build a single-family residence sixteen feet in width at the narrowest point of its first story.

The subject property, owned by Joel Blackmon and Sarah Coleman, is located at 850 E Jewett Avenue. The property is west of the White Salmon Jewett Creek where it intersects with E Jewett Blvd, east of NE Vine Street and E Jewett Blvd intersection. The previous landowners, via WS-VAR-2021-003 decision, was granted relief to geographic and environmental constraints by creating a buildable area. The site is currently vacant.

Background: The previous owner of this parcel sought a critical area variance (File 2021-003 VAR-O'Donnell) to establish a buildable area due to the proximity of Jewett Creek. The variance was granted with conditions, and the buildable area was approved by the Planning Commission at the February 9, 2022, meeting. The variance did not grant construction of a specific type of residence or did it allow for the residence to not meet City standards for structure width. Any alteration of said variance would be the minimum necessary to allow for reasonable use of the property. The

buildable area was approved by the Planning Commission and allowed for reasonable use in accordance with these standards.

Recommendation: Staff recommends the Planning Commission deny Variance 2022.002, a variance to reduce the width of a residence to 16 feet at the narrowest point based upon the findings for the variance request as provided by WSMC 17.80.058-Variance purpose and criteria and the staff report. There are no recommended conditions of approval as part of the staff report.

Applicant Presentation

The applicant and owner, Joel and Sarah Blackmon, presented their case to the Planning Commission. Sarah Blackmon, a Portland resident, addressed the 20-foot minimum exterior wall width variance. She shared that she grew up in a logging town on the north side of the Gifford Pinchot and recognizes the dedication and commitment of White Salmon to ensure the character of their rural community. She said she hopes to further explore the intent insurance of public welfare and sensitivities surrounding hardship and special privileges. Blackmon said that the 20-foot minimum exterior wall code is specific to the City of White Salmon and is not present in the Washington State or International Building Codes. Adding that she assumes that the code aims to prevent modular homes or modular home look alikes.

Sarah Blackmon stated that their proposed 16-foot wall is not forward facing and contains minimal visibility for the neighbors. The proposed design is a modern northwest style, which integrates into the fabric of the neighborhood and will positively impact public welfare by improving upon a highly visible lot which has stood vacant for many years. She said that granting this variance will not impact the ability to employ the procedures necessary to ensure a structurally sound and appropriately engineered, modestly sized home in accordance with Washington State and International Building Codes.

Sarah Blackmon stated that she is requesting a 20% deviation from the White Salmon standard, which will not negatively impact occupancy regulation, air flow, lighting, or other public health standards. However, she said it will create further hardship in the development of the property due to its 2,214 square foot oddly shaped building envelope. She shared that preserving the outdoor living space within the approved envelope is an important aspect of their design as it strives to protect the property's geohazard zone and the heritage tree drip canopy.

Public Comment

Chairman Greg Hohensee opened the public testimony portion of the public hearing at 6:03 p.m.

Mike Henderson, 858 E Jewett Blvd (Inside city limits) — Proponent

Mike Henderson stated he owns the property at 858 E Jewett. He said that several years ago, he looked into buying the property and realized there were a lot of challenges with developing it due to overlapping setbacks and environmental concerns. He shared that John O'Donnell, the previous owner, realized the property had little value unless it could be developed and hired professionals to help him with the complications of achieving a buildable footprint. Henderson stated that Joel and Sarah are as diligent as John to achieve their goal of developing the property. He concluded that this variance is one of the many challenges they will face. Mike Henderson stated that he has no objections to the variance and hopes the city will approve it.

Chairman Hohensee closed the public testimony portion of the public hearing at 6:09 p.m.

Staff Rebuttal

Land-use Planner, Jeff Broderick, had no rebuttal.

Applicant Closing Rebuttal

The applicant and owner, Sarah Blackmon requested the Planning Commission's reconsideration of the 5 square foot encroachment into the geohazard zone and a loss of 96 square feet of livable space on the 1st floor. She stated that the vision in the 2040 Comprehensive Plan is all about design, good integration and good architecture that supports this region, and this is why they are asking for reconsideration.

Discussion

The Planning Commission discussed the variance proposal for 850 E Jewett Blvd, requesting to build a single-family residence sixteen feet in width at the narrowest point of its first story.

Commissioner Tom Stevenson and Planner Jeff Broderick discussed the proposed structure. They concluded that the site plan provided as part of the 2021 decision indicated there was a building on the site, but the building plans since then have changed. Chairman Greg Hohensee specifically noted that the decision then did not refer to a building footprint. He clarified that the planning commission established a buildable space, given the critical areas (creek, slope and tree) setbacks and zoning setbacks of the vacant parcel. Planner Broderick agreed.

Commissioner Ross Henry stated that he remembered the various encroachments onto this property. Commissioner Henry and Chairman Hohensee recalled that the setbacks were: 10 feet across the entire rear setback (the environmental setback) that is at a 45 degree angle along the Jewett Creek slope, building setbacks on the front yard is 20 feet, and that the average side setback was 5 feet. They concluded that the 2021 O'Donnell decision established a buildable area, therefore as long as the residential structure was built within said building envelope it would meet all zoning and critical area setbacks established as the minimum to meet reasonable use of the property, voted on one year ago.

The Commission discussed that the variance before them is only for the width of the proposed structure and not the building encroachment. The applicant had commented that prior to this design they had proposed plans that had encroached in that 10-foot geo-hazard setback.

Planner Jeff Broderick discussed the multiple building plans presented by the Blackmond's as part of this variance, each of which has been slightly different. He stated that there had been some earlier iterations that had a corner of the structure extending into critical areas, which is not something the city would permit.

Commissioner Henry asked if the structure proposed for this parcel can extend beyond the buildable envelope. Planner Broderick noted that beyond the buildable area established, there is buffer averaging for the length of the buffer. Chairman Hohensee reminded the commission that there is a specific application in front of them.

Commissioner Michael Morneault and Planner Jeff Broderick discussed page 48/Exhibits B regarding the multiple building plans, one of which shows a building encroaching in the minimum hazard offset; the other is an example of where the structure is shortened slightly and is not encroaching into any critical areas.

Chairman Hohensee had no questions or clarification of the presentation or applicant.

Chairman Hohensee closed the public hearing at 6:26 p.m.

Discussion

Commissioner Ross Henry discussed the need to follow code and not have the city be constructed based on variances. He noted that the last update of the housing code was 2012, and that there are a variety of ways that houses can now be constructed. Commissioner Henry expressed the need to see the code rewritten.

Commissioner Tom Stevenson agreed with Commissioner Henry. He shared that he is familiar with architecture and was on the Planning Commission when the code in question was made. He stated that he enjoyed the architectural work on the house and understands its difficulty.

Commissioner Michael Morneault discussed the Wahington State Building Code and International Building Code, which are model building codes given followed by cities and jurisdictions. He stated that The City of White Salmon is within its rights and responsibilities to modify the building and land use codes as they see fit.

Chairman Greg Hohensee maintained that staff is restrained by code, regardless of professional architecture plans. He said that the problem in granting this variance would open the floodgates to other developers and potentially open the city to litigation. He concluded that the real solution is to edit the housing ordinances and encouraged the planning commission to do so soon.

Commissioner Ross Henry stated that he believes that it would be acceptable for less than 50% of the structure to be substandard as long as it meets building code.

Commissioner Tom Stevenson discussed the issue of variances in today's city code. He suggests that the planning commission should work with the planner to update the city's housing codes.

City Attorney Ken Woodrich explained the process of making an appropriate motion to appeal against a decision made by the Planning Commission. He suggests that if the Planning Commission is unlikely to approve the motion, they still need to make a motion to approve and how it denied is when it is voted down. Regardless of if the motion is approved or denied, the applicant must have something to appeal from if they the proposed variance does not prevail.

Motion

Moved by Ross Henry. Seconded by Tom Stevenson.

Move to **approve with conditions** Variance 2022.002 in relation to WSMC 17.28.034(A)(3), regarding width provisions, to allow a 16-foot-wide structure for the property addressed as 850 E Jewett Avenue with the following conditions:

1. Street front meets building standards width.
2. 50-percent of the structure shall meet building width.

Discussion

Chairman Greg Hohensee believes that introducing legislation by the proposed motion is a bad idea.

Commissioner Tom Stevenson suggested creating reasonable conditions to allow the residential structure that is substandard in the code. He suggested that the minimum portion of the house that doesn't make it below minimum should be a small portion, and that a frontage should be at least 50% above minimum. He believes that this is a worthwhile idea to consider.

Commissioner Michael Morneault is concerned about the precedence the city would be establishing for future applications and its liability.

Chairman Greg Hohensee agrees with Commissioner Morneault. He said he believes that making this decision now could set a precedent and potentially grant special privilege.

Commissioner Ross Henry expressed his appreciation for Chairman Hohensee's commitment to upholding the code and his belief that if a design like this came forth as a variance, it would set precedent with the motion he has made. He also expressed his concern about not moving forward with the motion, as it would leave people and their livelihood in limbo. Therefore, he shared that he feels comfortable in making the motion with very specific conditions as it relates to this variance application.

Tom Stevenson withdrew his second to the proposed motion.

Ross Henry withdrew his proposed motion.

Discussion

Chairman Greg Hohensee verified the dimensions on Exhibit B (the site plan with redacted lines).

Commissioner Ross Henry said that he wishes to propose a motion with the condition that the street frontage meets the standard width (minimum 20 feet width along E Jewett Blvd).

Chairman Hohensee and City Attorney Ken Woodrich discussed the issue of the minimum dimension of a house facing either road (E Jewett Blvd and Pole Yard Road). Chairman Hohensee suggested that the minimum dimension should be no less than 20 feet, while Attorney Woodrich stated that the code is ambiguous because there is no definition for the term "width" in the definition section of Title 17.

City Attorney Ken Woodrich and Planner Jeff Broderick discuss White Salmon Municipal Code (WSMC) 17.280.034, paragraph three, which states that all dwellings shall be not less than 20 feet in width at the narrowest point of its first story. Further discussion entailed the minimum size for the primary residence is 600 square feet, but at no point on the residence's narrowest point on the first story it cannot be less than 20 feet.

City Attorney Ken Woodrich argued that the Planning Commission should only interpret the code if it is ambiguous, but not legislate. He said that Planning Commissioners can make recommendations to the City Council for future housing code changes, but they don't have the authority to legislate.

Motion

Moved by Ross Henry. Seconded by Tom Stevenson.

Move to **approve with condition** Variance 2022.002 in relation to WSMC 17.28.034(A)(3), regarding width provisions, to allow a 16-foot-wide structure for the property addressed as 850 E Jewett Avenue with the following condition:

1. Any street front width of the structure meets building standards no less than 30-ft.

No Commissioner Seconded the Motion, MOTION DIES.

Motion

Moved by Tom Stevenson. Seconded by Michael Morneault.

Move to **approve with condition** Variance 2022.002 in relation to WSMC 17.28.034(A)(3), regarding width provisions, to allow a 16-foot-wide structure for the property addressed as 850 E Jewett Avenue with the following condition:

1. The structure meets the minimum width of any street frontage, 50-percent of the structure shall meet building width.

Discussion

Michael Morneault is unsure if it is 50% of the floor area or 50% of the width on the 1st floor area.

Michael Morneault withdrew his second to the proposed motion.

Tom Stevenson withdrew his proposed motion.

Motion

Moved by Tom Stevenson. Seconded by Ross Henry.

Move to **approve with conditions** Variance 2022.002 in relation to WSMC 17.28.034(A)(3), regarding width provisions, to allow a 16-foot-wide structure for the property addressed as 850 E Jewett Avenue with the following conditions:

1. The structure meets the minimum width of 20-ft on any street frontage.
2. 50% of the first-floor footprint must be greater than the 20-foot width.

Discussion

The Planning Commission did not have further discussion.

Vote

TIE, MOTION FAILS 2-2.

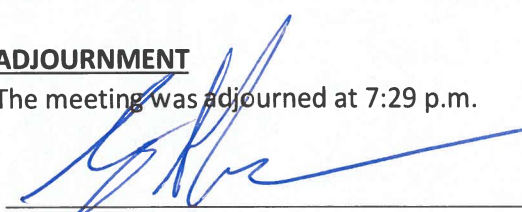
Henry – Aye, Stevenson – Aye, Morneault – Nay, Hohensee – Nay.

FINAL ANNOUNCEMENTS/REMARKS

Planner Jeff Broderick shared that during the next planning commission meeting, The Watershed Group will be presenting the Shoreline Master Plan progress, expected to be complete by June 30, 2023. Additionally, the transportation system plan will have a survey out for the public that will be open for at least 30 days; expected to be done late summer.

ADJOURNMENT

The meeting was adjourned at 7:29 p.m.



Greg Hohensee, Chairman



Erika Castro Guzman, City Associate Planner