



Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Fwd: Follow Up to Last Night

Michael Mehaffy <michael.mehaffy@gmail.com>

Mon, Nov 6, 2023 at 10:24 AM

To: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Cc: Marla Keethler <marlak@ci.white-salmon.wa.us>, City Administrator <administrator@ci.white-salmon.wa.us>, Clerk
Treasurer <clerktreasurer@ci.white-salmon.wa.us>

Hi Erika,

I will forward to you the communications I receive via email on the HAP implementation. I will not respond substantively to them, only acknowledge receipt as I have done here.

Please add these to the record of public involvement and feedback for the project.

Many thanks!

Michael W. Mehaffy, Ph.D.
President, Structura Naturalis Inc.
P.O. Box 2579
White Salmon, WA 98672
(503) 250-4449

----- Forwarded message -----

From: **Michael Mehaffy** <michael.mehaffy@gmail.com>

Date: Sat, Nov 4, 2023 at 10:47 AM

Subject: Re: Follow Up to Last Night

To: Patty Fink <pattyf@ci.white-salmon.wa.us>

Cc: Marla Keethler <marlak@ci.white-salmon.wa.us>

Thank you Patty, received! I should probably answer in public in the context of a meeting, so we can go through the issues together. Important ones.

Best, m

Michael W. Mehaffy, Ph.D.
President, Structura Naturalis Inc.
P.O. Box 2579
White Salmon, WA 98672
(503) 250-4449

On Fri, Nov 3, 2023 at 7:50 PM Patty Fink <pattyf@ci.white-salmon.wa.us> wrote:

Hi Michael,

Thanks for your work last night. I don't think I mentioned it again to you, but the City is lucky to have you. I talked to several people after the meeting who told me to thank you for your thoughtful and inclusive comments. I have included Marla as a cc' as well as bcc'd the other Council members.

This email is intended as a follow up on a few things related to the discussion last night and should complement any feedback you might get from the list of little "d" developers (citizen developers) that Peter Wright sent over earlier this week. None of the small "d" developer were on the City's survey list (which I have attached here).

Last night, I was under the assumption that we (City Council) were going to provide input and direction to the Planning Commission on your initial recommendations memo. So it was a change of direction when we began reviewing specific code language recommendations prior to having an opportunity to discuss your recommendation as a group and ask you questions about them. One of the key issues for me was to ensure that we were at least meeting the State ADU standards and that the Planning Commission not water down that piece, so you can imagine that I was pleased that at least three Council Members opted to move forward with that guidance. Unfortunately, I found it disconcerting that several recommendations were taken out of the initial draft because of the aesthetic concerns raised by a few Planning Commissioners. The Commission's concerns on height of course matter to me, but as Marla has stated, as a council we are charged with representing the entire community. This means considering not only aesthetic concerns, but also economic impacts, development objectives and overall community impact of the changes we are making. I do not want to speak for others, but it was my feeling that several of the Councilmembers felt less concerned about moving the height recommendations on to the public. I, for one, believe that having one or two more "controversial" or "button pushing" issues for public consideration may offer an opportunity for more community members to become informed and engage in the overall changes we are recommending. One thing that would be especially helpful for both the council, planning commission and public is some more visual diagrams of the different housing types and how pulling on different levers would impact density. My sense is that some of these variables are mutually exclusive and it's difficult or impossible to avoid some of the tradeoffs between parking, density, height etc.

The second issue I wanted to move forward last night but seemed not to get any traction was your concept of "agility" in planning for housing *outcomes*. . When and how to allow flexibility in the process is critical to ensuring that "clear and objective" standards are also reasonably applied, and can change when needed. Your professional guidance in this area as a matter of good planning policy would be especially valuable to hear and weigh against the legal guidance that currently appears disconnected from our goals and also appears to be an unbalanced approach to managing risk. I think you will find that several permit applications that were denied in the past year or so could have been resolved through administrative adjustments, or else legislatively, by centering on our planning goal of making it easier to build housing. . Using these tools is not the same as allowing big developers to push us around, but perversely, this seems to become even more likely the more difficult we make it for everyone to build. As a small city, we have had a history of being more responsive to citizens' concerns that come forward, even if we didn't do things the "right" way procedurally. Of late it has felt as though the procedures have become the main goal, and that this doesn't just make our housing outcomes harder but actually increases our risk of being sued.

Finally, as I also alluded to last night, there are other issues like the availability of infrastructure (and or the cost associated with addressing that issue) that appear to impact infill development as well as expanding outwards. Planning Commissioner Morneault and I have had extensive conversations about his concerns regarding growth and the lack of needed infrastructure and how that is best managed. In addition, and perhaps more to the point, I have heard from developers including Alisha Nightengale and Tanner Hall that they are being asked to improve city water infrastructure in ways that they believe is disproportionate to what is needed to serve their lots, and then stuck with inflexibility from city staff on other issues associated with their R3 zoning (shouldn't there be a win/win in there somewhere?). Another example is local resident Shelley Baxter who is trying to split her lot and has informed me that she is being asked to build a sidewalk on a local side street to a neighborhood street that currently has no sidewalks. I am not

necessarily arguing that we forgo these improvements. As a city some development fees associated with growth will be necessary, but we need to ensure we are consistent - so not overburdening some at the cost of others - and very clear about what is required and why. Further this offers us, as a city, opportunities to coordinate our infrastructure planning with the potential for adding more housing. That seems to me like a collaborative process, and it would be helpful to see some innovative models for how other cities might manage this.

Thanks in advance for your consideration.

With kind regards,

Patty



Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Fwd: Housing code process feedback for 11/1 meeting

1 message

Michael Mehaffy <michael.mehaffy@gmail.com>

Mon, Nov 6, 2023 at 10:25 AM

To: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Cc: Marla Keethler <marlak@ci.white-salmon.wa.us>, City Administrator <administrator@ci.white-salmon.wa.us>, Clerk Treasurer <clerktreasurer@ci.white-salmon.wa.us>

Another one for the record.

Many thanks,

Michael W. Mehaffy, Ph.D.
President, Structura Naturalis Inc.
P.O. Box 2579
White Salmon, WA 98672
(503) 250-4449

----- Forwarded message -----

From: **Peter Wright** <peterw08@gmail.com>

Date: Wed, Nov 1, 2023 at 11:48 AM

Subject: Housing code process feedback for 11/1 meeting

To: David Lindley <DavidL@ci.white-salmon.wa.us>, Patty Fink <pattyf@ci.white-salmon.wa.us>, Ben Giant <BenG@ci.white-salmon.wa.us>, <JasonH@ci.white-salmon.wa.us>, Jim Ransier <jimr@ci.white-salmon.wa.us>

Cc: City Administrator <administrator@ci.white-salmon.wa.us>, Michael Mehaffy <michael.mehaffy@gmail.com>

Dear Councilmembers (CC: Michael Mehaffy and City Administrator),

I am sending this email for two related purposes:

1. To provide feedback about a minor but consequential code revision that I hope will be included in the draft zoning ordinance scheduled to be posted later this week. I've summarized the code issue for you as a council below and attached one page of additional details for Mr. Mehaffy and others who may be interested.
2. To provide public comment to you as a council that relates this code barrier to the need to further engage with members of the community prior to consenting to a draft ordinance.

Code issue summary (see attachment for details):

The specific issue that I hope can be addressed is that the city does not currently allow ADUs to be added to lots with existing zoning "nonconforming" structures. For example, a house that has a 15' front setback would be considered a nonconforming structure, because the current code requires a 20' front setback. According to these requirements, neither an attached nor detached ADU could be added to that lot, regardless of the size of the lot or whether the house was constructed before 20' setbacks were required.

Given the extent of zoning nonconformities like this throughout White Salmon, this creates a major barrier to expanding ADUs in older neighborhoods that were developed before the current zoning codes were in place. Forthcoming code changes may resolve this issue as a secondary effect, but it's important to also address the root of the problem. This would likely only take 2-3 sentences of clarifying code.

Unlike other more explicitly problematic rules like the dwelling width minimum, there doesn't appear to be any connection between this restriction and any aesthetic consideration or perceived public harm. It seems to be at least a partial misinterpretation of the code, and perhaps has only been enforced relatively recently.

Comments on the public engagement process:

I urge you as a Council to consider a brief pause to internally discuss this process and to plan for more appropriate public engagement steps, like those that were initially promised, prior to consenting to a draft ordinance.

The existence of this issue and other pernicious regulations that primarily affect ADUs and other types of infill housing points to the need for more engagement with the stakeholders who have the most direct knowledge of how these barriers operate. Almost all of these people already live in the community. They are folks like Ericka and David who ironically made the cover of the Housing Action Plan, or Bruce who has been trying to support his friends in building a co-housing triplex across the street from him. There's my next door neighbor José who built his house himself, then helped another neighbor permit two detached houses as a duplex by connecting them with a small storage area.

These are just a few of the countless residents who play an essential role in collaboratively building our community, but who have not received any kind of outreach to learn about how code barriers have made building housing more difficult or impossible for them. Instead, the city's developer survey appears to have only gone out to large developers, as well as some builders (who sometimes serve as developers but are more often much happier not to take on the additional risk).

Understanding these distinctions, and engaging with our own *citizen developers*, is fundamental to implementing the Housing Action Plan. This is not about whether a property owner lives in the city or even the Gorge, it's about the scale and capital involved. When Mr. Mehaffy talks about easing restrictions for infill housing, he is not primarily referring to Curtis Homes, the one developer who completed the survey and plans to build more than 36 homes on the property adjacent to 4 Oaks. While I understand that the city may be especially concerned with planning for projects at that scale, this is not the impetus for the Housing Action Plan, and it's not who these initial code changes are supposed to be for.

To the extent I have gone to great lengths to substantiate my own ideas for policy changes, this of course speaks to my high level of privilege to do so, but also the significant amount of added financial risk I take on by trying to do something different than what the code already allows a block away from my home. The fact that more economically, professionally, racially, or linguistically diverse voices do not provide feedback about the code says far more about the systemic barriers we have created for many in our community to participate in any form of development at all. If you personally find the code intimidating, imagine for a moment what it's like to navigate for someone who's never been to a City Council meeting, a non-native English speaker, or an aging homeowner who built their own house but before zoning codes even existed.

Since I do not wish for it to be included as public comment, I will be separately sharing with the council a short list of my own contacts of residents and other small infill developers who may have an interest in this process. The needs and protect scale of this group are aligned to the point where the distinctions between *citizen* and *developer* become blurred. For the few that I was able to personally notify in time to attend the "Let's Talk" Q&A event, this opportunity was a major departure from what was originally promoted as a series of "charette" style events. Notably absent was any opportunity or time to provide feedback that would inform the initial set of changes.

My real concern here is not that Michael Mehaffy doesn't basically have the right policy prescriptions. It's that he can't have all of them, and would undoubtedly be the first to say so himself. I note that each of his memo recommendations is prefaced with "consider", but must then wonder who exactly whose considerations will make it into the draft ordinance. Workable policies follow from good process, and the barriers encountered by our own residents do not qualify as "low-hanging fruit," I'm not sure what would.

Providing all members of the "developer" community the opportunity to share their *needs* is an essential precursor to creating solutions that work for developers at all scales and that address our past mistakes. A widely distributed and publicly posted survey in English and Spanish is the bare minimum level of engagement, and is the only inclusive way to collect feedback like this. This survey should also be rephrased to consider the full range of citizens' individual land use concerns that pertain to housing, including land divisions for residents who have no interest other than selling part of their land.

Under a different model, members of the Planning Commission might be best suited to take on this work. But due to their quasi-judicial decision-making role for variances and lack of a full-time planner to support them, the Planning Commission is poorly set up to discover or engage with community concerns at the level you might reasonably expect for a small town.

Lastly, if we're going to see a meaningful change to housing variety and have any hope of reducing costs, it is essential to engage with the tiny handful of people who already want to build the types of infill homes the community has said time and again that they want more of. Code changes are meaningless unless they create viable pathways for alternatives to emerge. I would be more than happy to share one vision of what this can look like, and I believe that a few others may too with some encouragement. What I am really talking about is mostly single lot "missing middle" and new patterns for developing ADUs. These are incremental but scalable models that any homeowner with a bit of home equity can do when the local planning ecosystem supports them. They aren't the only solutions we need, but lowering the barriers of entry to allow this kind of bottom-up development to occur organically is the first step.

Thank you for your time and for the opportunity to provide input.

Sincerely,
Peter Wright

 **ADUs with nonconforming structures per WSMC 17.76.pdf**
147K

To: Michael Mehaffy
From: Peter Wright
Date: 11/1/23

Issue: Based on WSMC 17.76, the city does not allow ADUs to be added to lots with existing nonconforming structures.

Recent staff findings indicate that the existence of a nonconforming structure on a lot precludes the addition of an accessory structure. The example below is from a simple boundary line adjustment decision for a former property that has since been sold (BLA 2023.001).

FINDING: Should Applicant propose accessory structures, these will be reviewed at the time applications are received. Staff notes that accessory structures on Lot 1 would not be allowed as the existing structure on that lot is non-conforming.

(Ord. No. 2012-11-905, 11-26-2012)

I see this as a “low-hanging” fix for several reasons:

- ADUs would be allowed on far more lots than they are today, especially those with older homes
- Minimal code changes are needed to provide a clear resolution
- The existing language conflicts with the intent of the code, which is to prevent the expansion of nonconformities

I believe that the above finding taje provisions of 17.76.090 for structural alternations of an existing structure and missapplies them to new, detached structures. 17.76.090 itself also presents a barrier to attached ADUs by unnecessarily regulating structural alterations in cases where those alterations do not add to the nonconformity, and should also be revised to meet the intent of the chapter in the Comprehensive Plan.

Without question, the code is riddled with issues like this, but this one happens to be a fairly significant barrier to the type housing we are hoping to allow. While code changes addressing setbacks may themselves bring many more existing structures into conformance, a few minor amendments would greatly improve the code for zoning nonconformities that can't be anticipated. I've added a few below that are borrowed from a similarly small city, [Friday Harbor Municipal Code. 17.60.](#)

- **Add as 17.76.080 - Nonconforming Lots:** *A nonconforming lot may be used; provided, that any structure or building erected subsequent to the date of adoption of this title shall meet all other provisions of this title except minimum lot size.*
- **Revise 17.76.090**
 - Remove: ~~Normal repairs and alterations may be made to a lawful nonconforming building, provided that no structural alterations shall be made, except those required by law.~~
 - Add: *A nonconforming structure may remain and be used provided that the structure is not enlarged or altered so as to increase its nonconformity.*



Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

FW: 11/8 comments: critical changes needed for side setbacks and ADUs to reduce restrictions

Clerk Treasurer <clerktreasurer@ci.white-salmon.wa.us>
To: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Wed, Nov 8, 2023 at 2:20 PM

Public Comment for todays Planning Commission meeting.

Stephanie Porter (She | Her)

Clerk Treasurer | City of White Salmon

509-493-1133 x205 | clerktreasurer@ci.white-salmon.wa.us

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From: Peter Wright <peterw08@gmail.com>
Sent: Wednesday, November 8, 2023 12:02 PM
To: Stephanie Porter Clerk Treasurer <clerktreasurer@ci.white-salmon.wa.us>
Subject: 11/8 comments: critical changes needed for side setbacks and ADUs to reduce restrictions

Hi Stephanie,

Please see the email below as written comments for the public hearing. If it doesn't make it into the record today, no worries.

Many thanks,

Peter

ADUs (Critical)

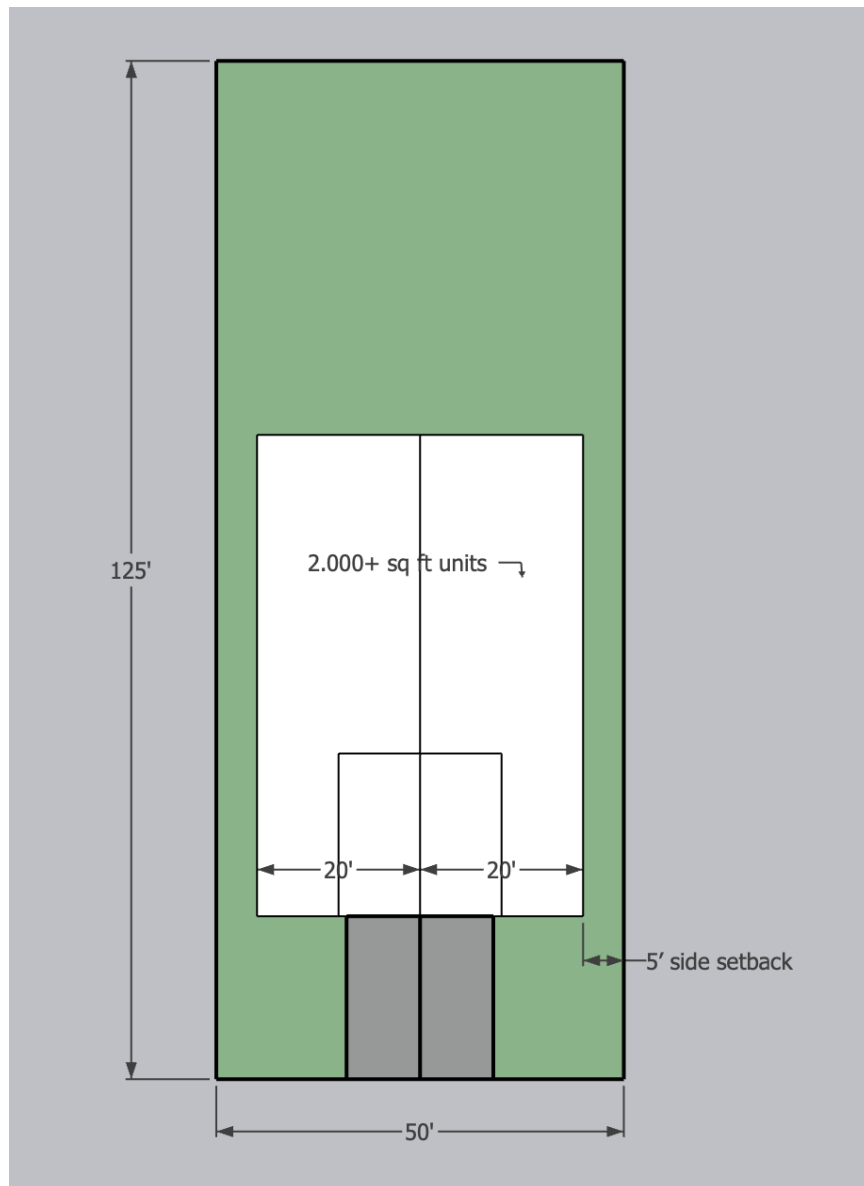
I support Mr Mehaffy's recommendations but find two important changes are still needed to achieve compliance with state standards:

- **Eliminate conditional use.**
- **Eliminate owner occupancy requirements.** This is practically unenforceable, makes little sense within a condominium ownership arrangement, and may create issues with financing. (As of October 17, [FHA now allows ADU income to be included in loans](#))

Side Setbacks for Attached Units (Critical)

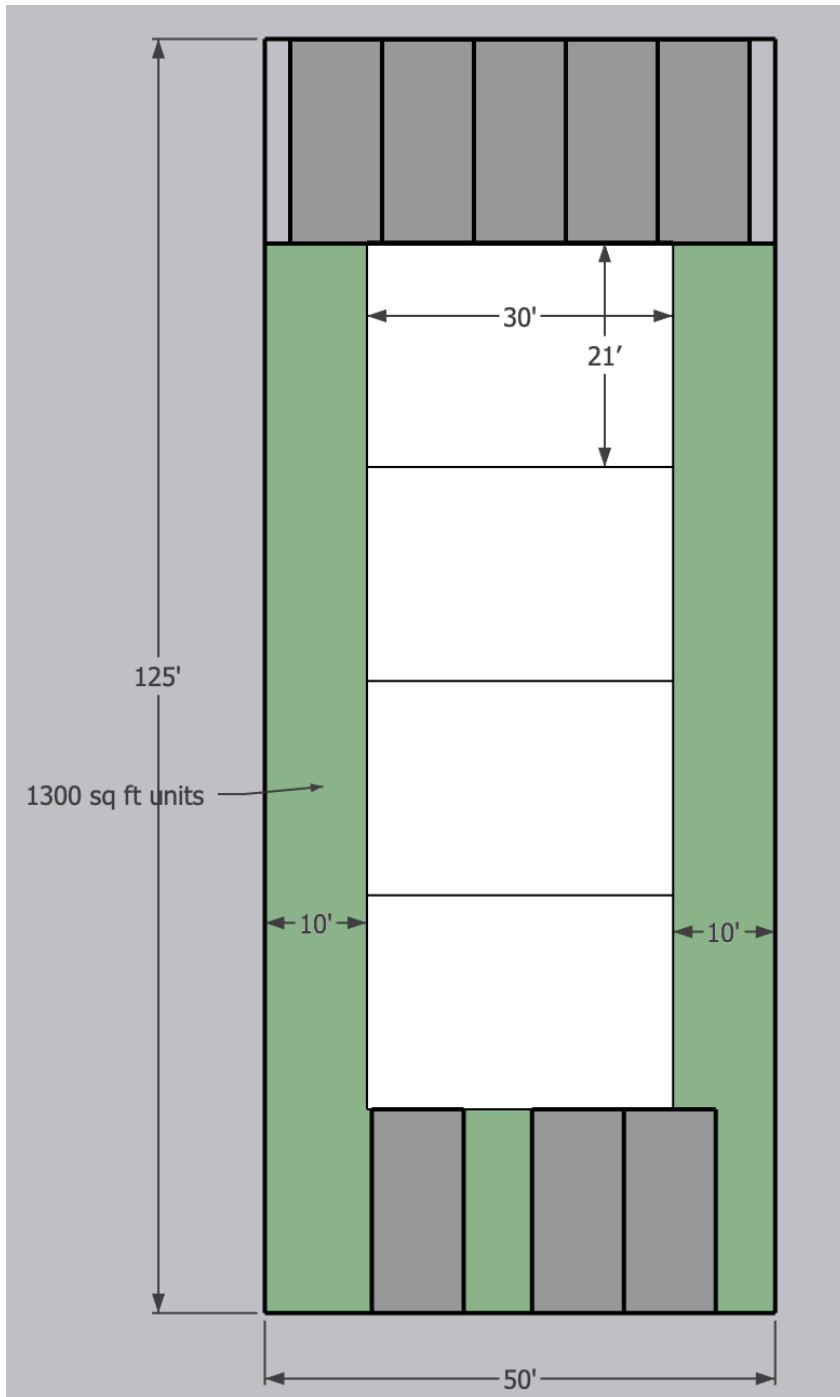
The requirement of *up to four rowhomes or multiplexes, provided that the end or side units are set back (ten) feet from the side property lines, and meet other development standards of this zone* is substantially more restrictive than the 5' that is currently permissible for equivalent development in R2 and R3. I believe that this setback should be the same as the property development standards for single family homes of equivalent size and height, and at most be maintained at the current 5' standard for 2-unit configurations.

I understand the thinking behind wider setbacks for taller multi-family on larger (100' wide) lots, but the majority of infill lots are 50' wide and it is currently possible to construct a duplex or two 20' rowhouses as shown.



I bemoan the fact that this is the *only* site plan that makes sense right now for most R2 and R3 lots (including those that have multiple access points), but eliminating this option entirely seems contrary to the goal of *easing* restrictions.

Looking at the new standards and assuming a very common alley-accessed lot scenario, the site plan below would appear to be the most viable option for 4 attached units (assuming 2 stories) of ~1,300 sq ft each.

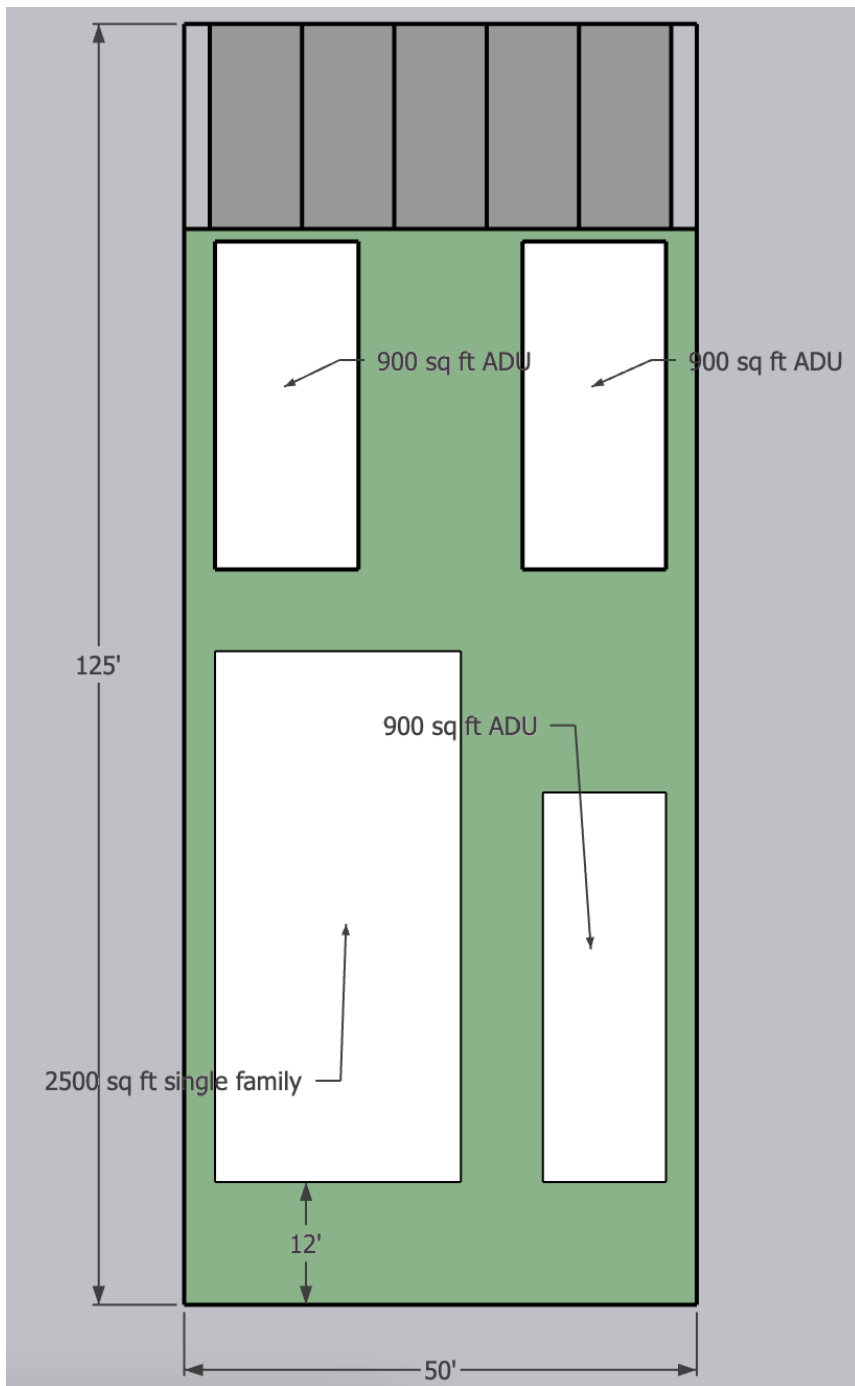


There are interesting designs that can be done this way, but garages do not seem possible and the 8-space parking requirement means that it can only work with 2 frontages (ideally one as an alley to allow 5 there and only 3 on the public street).

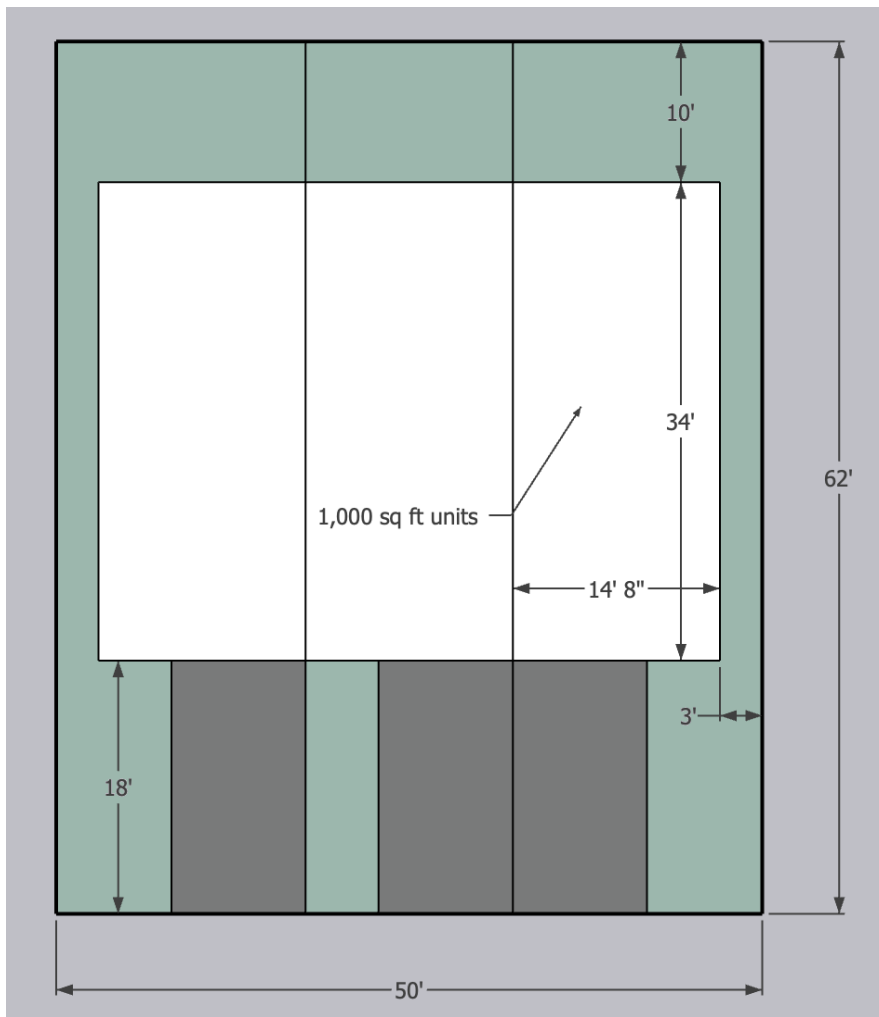
Without a second frontage, to achieve a garage and/or avoid 4 off-street parking spaces on a 50' frontage, you get stuck with 15' rowhouses that are still very awkward with a garage due to the narrow width of the adjacent hallway (most 20' floorplans locate stairs here). That may lead to a squished version of this as a result:



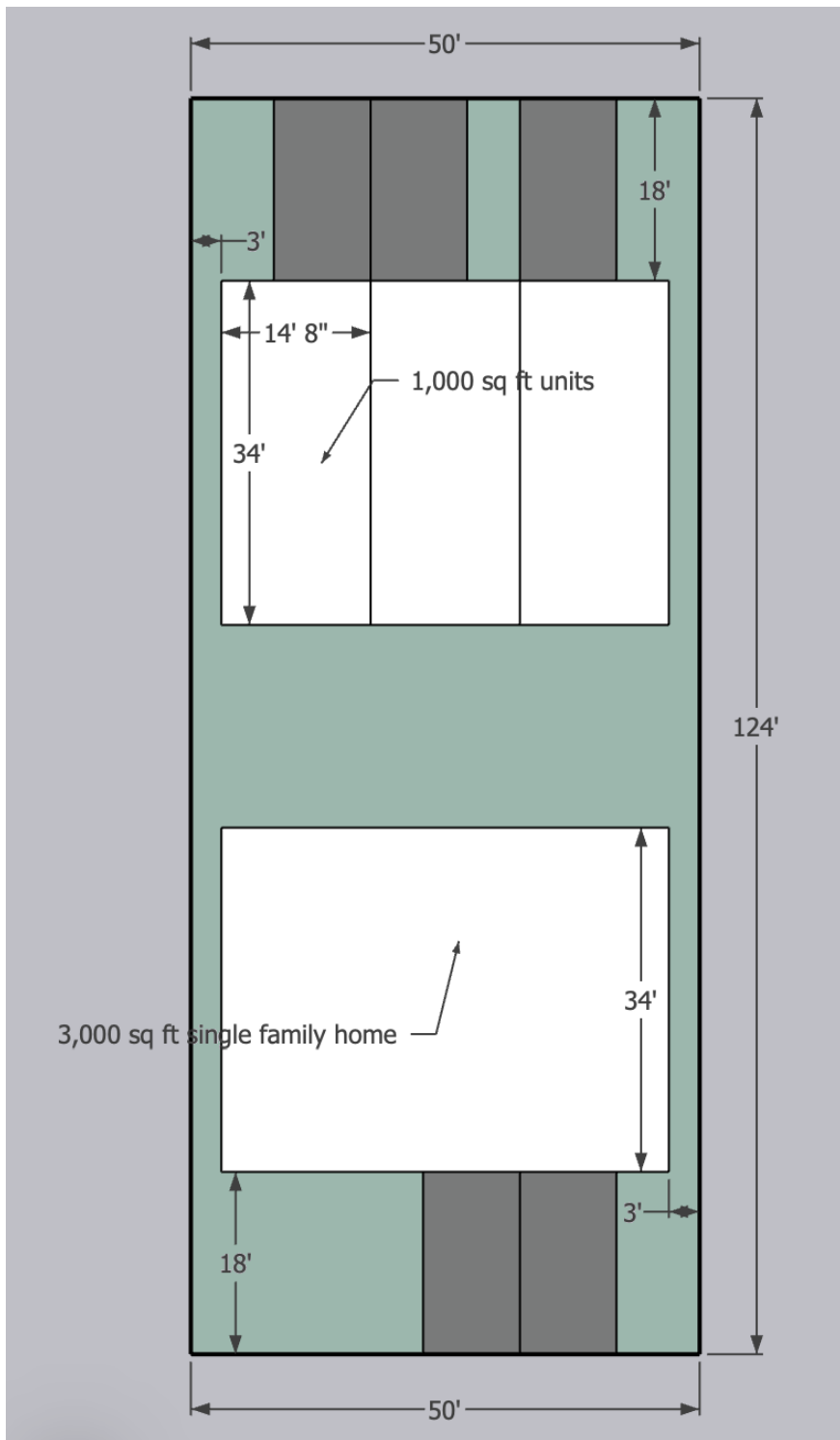
However, a site plan with a primary single family home and 3 detached ADUs achieves a far more desirable arrangement for the residents. All could accessed via an alley and sold as condominiums or divided via unit lot subdivision.



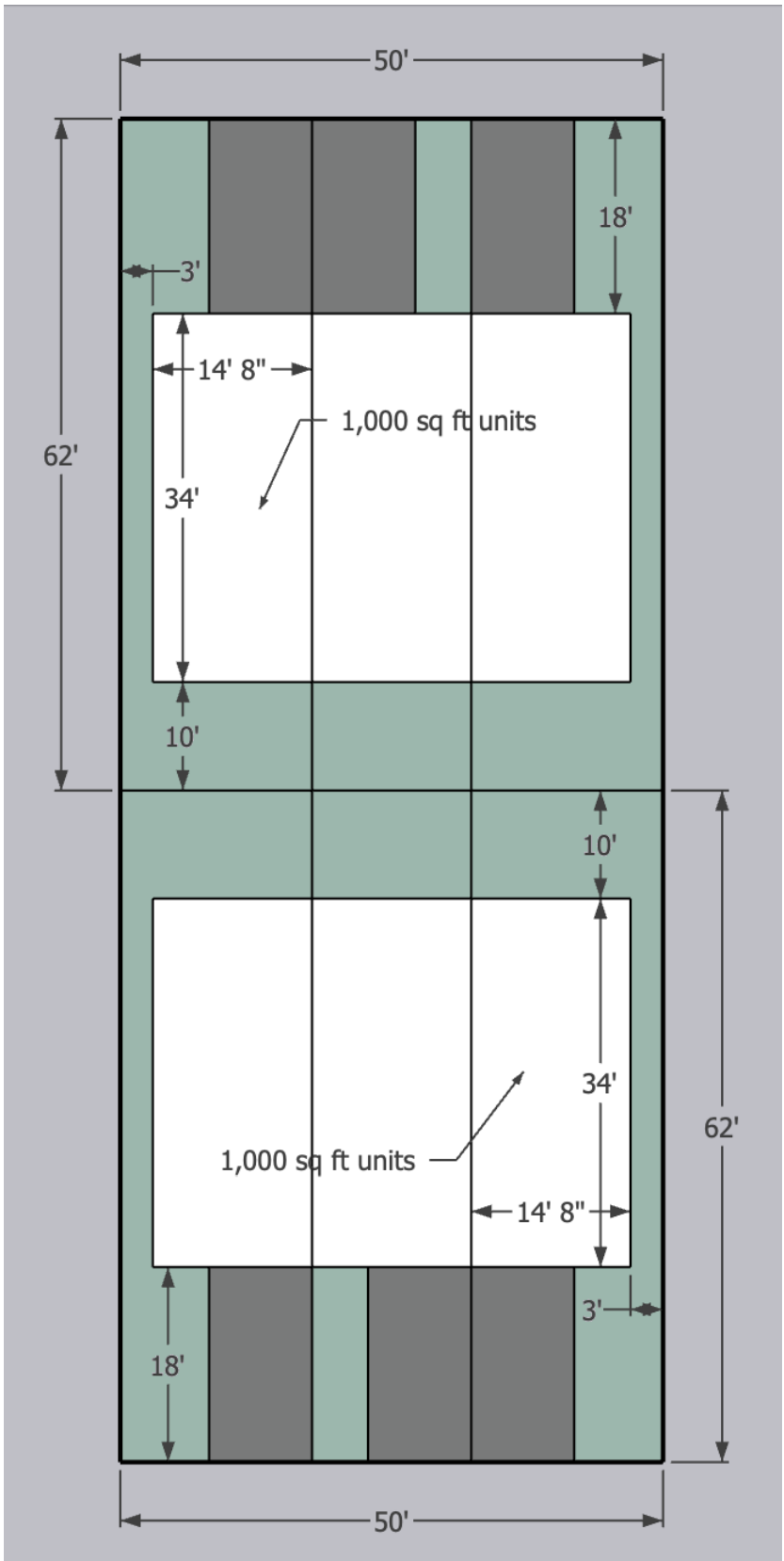
50' wide frontages are generally going to be limited to 3-4 units when on-site parking is a factor due to potential parking conflicts. Siting these units in a side-by-side fashion makes for 14'8" wide rowhomes with a 3' side setback, too short to do a garage with just two stories, but works well with a single parking space per unit in ~3,000 sq ft of space.



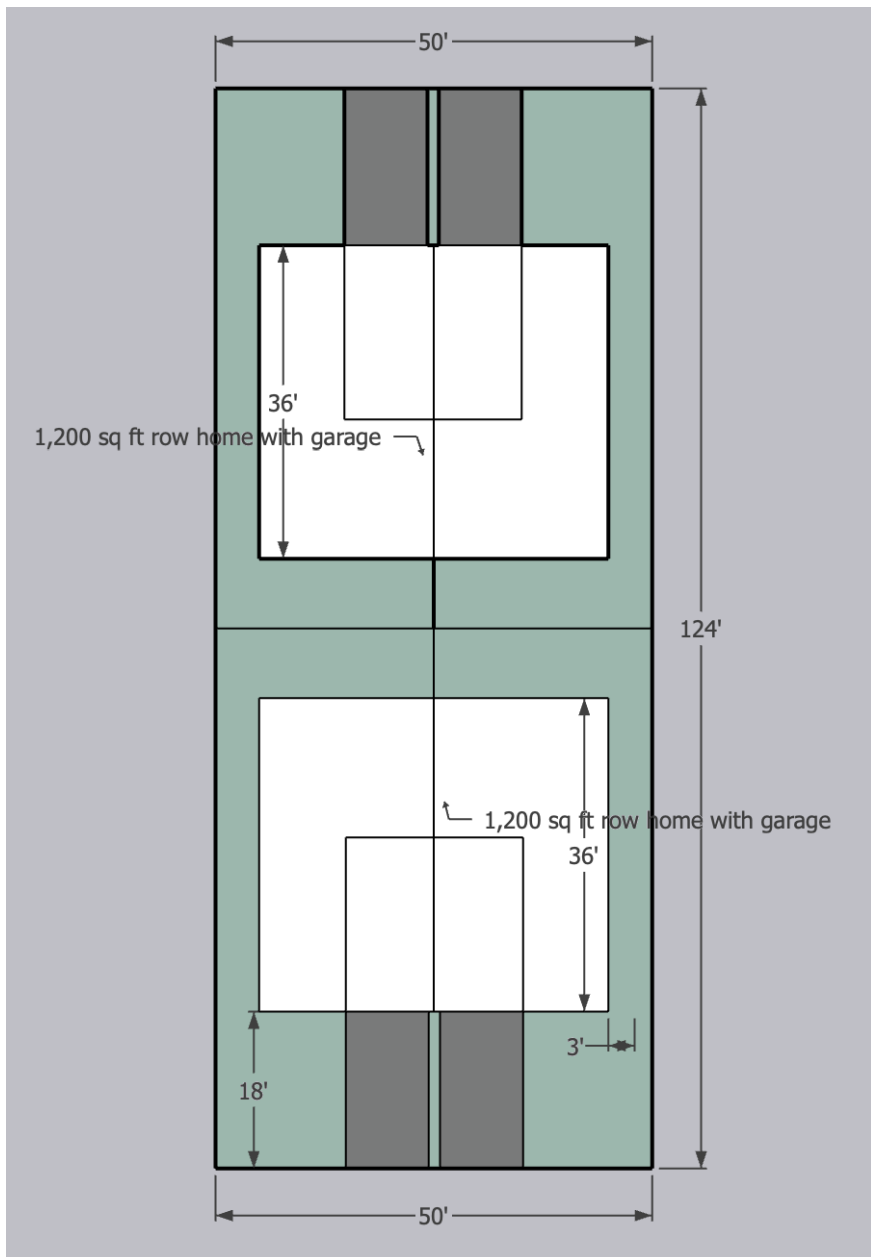
Based on the framework established by HB 1337, this configuration could be permitted as three attached ADUs on the same lot as a primary dwelling. For the very common 50' x 125'+ lots with either two frontages or alley access, this would allow for a configuration like this:



The intent of the ordinance would indicate that 6 small units on this lot would be better than 3 small + 1 large unit on the same footprint. This would create a mirror image of the 3-ADU configuration and make the 1,000 sq ft rowhome unit lot per the ordinance possible. These would not *technically* be considered ADUs, but it's not clear why this would make a difference.



At the very least we should maintain the existing standards of a 5' side setback and 2 parking spaces per unit, to allow for 4 units in a configuration like this:



Or else a combination of the two for the best of both worlds (2 units in front with a garage, 3 units in back with even more parking than what would be required for ADUs).

Four units on 6,000+ sq ft is twice the density that is allowed on an equivalent lot right now in R2 and R3 when two access points are available. The 40' wide townhouse/duplex is also a very common design, and one that is offered by multiple "on your lot" regional builders as prescribed models. Potentially a few of these could be "pre-approved" by the city. Using these strategies together will be important to keeping costs down.



THE KING DUPLEX

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BEDROOMS	3	
BATHROOMS	2.5	
STORIES	2 Story	
SQUARE FEET	3107	

This smartly designed duplex offers a total of 3,107 square feet with Unit 1 being 1,568 square feet and Unit 2 being 1,539 square feet. Each side has 3 bedrooms, 2.5 bathrooms and a one-car garage. Accentuated by stunning archways, the main level flows effortlessly from the kitchen into the living areas, making it the perfect layout for conversing and entertaining. The inviting great room offers easy access to the outdoor living space and a private nook ideal for a home office or school workspace. Upstairs is a spacious main bedroom suite featuring a large walk-in closet and a dual vanity bathroom, along with the additional two bedrooms and full bath. Many modern living conveniences complete this home, including the main level guest half bath and a 2nd floor laundry room centrally located near the bedrooms. Renters will appreciate this home's functionality and livability.

I note this as well because under the current draft ordinance, I think that the market may demand something more like the primary + detached ADU one shown previously (likely with a garage for the large unit). People seem to dislike shared walls around here, and this may be a superior site plan in every respect except cost. I don't think cost is a factor that we should let fall by the wayside.

