



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, September 13, 2023

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chair
Seth Gilchrist
Michael Morneault
Ross Henry
Tom Stevenson

Staff:

Erika Castro Guzman, Project Coordinator

Planning Consultants:

Alex Capron, Consultant Planner

CALL TO ORDER/ ROLL CALL

Chairman Greg Hohensee called the meeting to order at 5:30 pm. A quorum of planning commissioner members was present. Two audience members attended in person and by teleconference.

APPROVAL OF MEETING MINUTES

1. Meeting Minutes – August 9, 2023
2. Meeting Minutes – August 23, 2023

Moved by Michael Morneault. Seconded by Seth Gilchrist.

Motion to approve minutes of August 9, 2023, and August 23, 2023, as written.

MOTION CARRIED 5-0.

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

PUBLIC COMMENT

There was no verbal or written public comment.

Public Hearing

3. White Salmon Critical Area Update

Presentation

Senior Planner Alex Capron from DCG/Watershed discussed the need for a Critical Areas Ordinance Update to comply with Washington State requirements. The proposed amendments included reformatting for easier applicant use, combining variance and exemption processes, and providing more specific enforcement proceedings.

Senior Planner Alex Capron presented that the White Salmon Municipal Code, Chapter 18.10, and building code regulations in 15.28 define critical areas such as Fish and Wildlife Habitat Conservation Areas, geologically hazardous areas, flood hazard areas, and critical aquifer recharge areas. The code has also added flexibility to clarify the requirements for applicants, such as maintenance of existing single-family residences and vegetation trimming.

He stated that the allowed uses section has been updated by combining variance and reasonable use exemption criteria. This allows for development of vacant lots that are fully or partially encumbered to the point where there is no feasible path towards development. The process is

now moved to a hearing examiner, which is a common practice. A best practices guide for staff recommendation and final approval.

Senior Planner Alex Capron added that the general provisions of the code include adding flexibility for single-family remodels up to 500 square feet, which was not in the code before. This is a common issue in single-family residential lots, and the updated code addresses these concerns.

Senior Planner Alex Capron outlined the updated provisions for critical areas, including the National Wetlands Inventory, Department of Fish and Wildlife Priority Habitat Species Maps, and Department of Natural Resources Geologic Maps. The revised provisions include more stringent enforcement proceedings for development in critical areas without a permit, allowing for an extension of a two-year period for restoring nonconforming structures damaged by fire or natural events. Mitigation sequencing has been updated to match state-level guidelines, with avoidance being the first priority.

He highlighted that exemptions have been made. Such as moving heritage tree regulations outside the critical areas ordinance, as they are not considered critical areas at the state level. These regulations can still persist but do not have an extra building setback area attached to a critical area.

He said the exemption for mule and black-tailed deer habitat include development for fences of a certain height and gap, allowing for the species to still operate in and around a single-family development. For geologically hazardous areas, the key is to protect structures, as these are unique critical areas.

The Department of Washington Department of Natural Resources (WA-DNR) reference for geologic maps has been added, along with habitat county map references, and some undefined geologic events like earthquakes and liquefaction areas. There is an option for critical facilities, public or utility facilities, to operate within the confines of the code. Development regulations around drainage plans have been added, requiring qualified professionals to develop them. Standards for maintaining a tight line to the top to bottom of geologically hazardous areas have been added for best practices. The only significant change for frequently flooded areas is a federal change reflected in FEMA Region 10 to require habitat assessments for endangered species compliance for new development within a floodplain. This provision is now within the code. An isolated buffer provision has been added for wetlands, where a road or railway stops the buffer on its linear route. These changes aim to ensure compliance with regulations and best practices in geologically hazardous areas.

The proposed buffer table would have a larger buffer than the current one, incorporating minimization measures such as shielding, lighting, and preventing erosion from reaching the wetland. Stormwater best management practices would be used for these measures.

Planning Commissioner Michael Morneault provided initial comments to city staff, mentioning that fish and wildlife are involved when a priority habitat species is mapped. If there are questions about these species, the Department of Fish and Wildlife would be engaged.

The proposal also includes some edits to clarify the role of the city and permit to applicant in development applications. The language regarding agent and other responsible party is suggested to be removed, and the seismic geologically hazardous areas to be kept. The proposal

also acknowledges the edit for the International Building Code and carries out the necessary changes.

Senior Planner Alex Capron said the permit process framework criteria should additionally be updated, with references to Chapter 17.81 (this would fall outside the scope of the critical areas coordinates update). Overall, the proposed buffer table and proposed changes aim to improve the overall planning process.

Proposed Timeline

Senior Planner Alex Capron stated that the public comment period began on August 30th, with Planning Commission meetings scheduled for September and October to discuss suggested changes and make a recommendation on the draft ordinance.

- City public comment period – (Through) September 29, 2023
- City Planning Commission Public Hearing – September 13, 2023 (Today)
- Respond to Public Comments and Planning Commission Workshop – October 11, 2023
- City Planning Commission Recommendation – October 25, 2023
- City Council Adoption of the Critical Area Ordinance – November 2023

Public Testimony

Chairman Greg Hohensee opened the public comment portion of the hearing at 5:50 pm.

Peter Wright, NE Green Street (Inside City Limits)

Peter Wright, a resident of city limits, expressed his appreciation for the removal of the heritage tree portion from the critical area ordinance. He raised questions about the diameters of trees and their impact on future development sites. Wright believes that it would be helpful to know the relationship between potential infill development and trees, and where there might be a push and pull between housing goals and tree preservation goals.

Wright believes that there is still work to be done in promoting more trees within the city. He and his wife plant trees on their property and believe that this ordinance should be reevaluated in the context of other communities with similar sized and enforcement resources. The ordinance should focus on getting more trees while balancing the need for infill housing.

Wright also highlighted the norm of having exemptions for single-family homes in some communities. He stated that Covington, Washington, has a structure where every tree removed must be replaced by at least one, and they lower their threshold for significant trees. Land that is zoned for higher density allows for more trees to be removed, balancing the single-family home exemption.

Chairman Greg Hohensee closed the public comment portion of the hearing at 5:55 pm.

Discussion

The Planning Commission discussed the Critical Area Ordinance proposed changes.

Commissioner Tom Stevenson reflected on increasing house remodeling ability up to 1,000 sq ft within a buffer in White Salmon. He questioned why the 500-sq ft limit, considering the need for change in housing and the town's history.

Senior Planner Alex Capron responded by stating that he's seen 500-sq ft limit of total addition (structure impact) in other jurisdictions as a direct impact within a buffer; he stated that it's incidental in terms of impact towards the critical area buffer. Senior Planner Alex Capron

explained that a 1,000- sq ft of building footprint could be a new house, while 2,000 square feet of gross floor area for a two-store house is part of it.

Commissioner Seth Gilchrist inquired about the designation of the Type F waterways, a perennial fish-bearing waters, including Jewett Creek and Dry Creek, in the ordinance. He asked if Jewett Creek, above the waterfall, is fish-bearing, and if it is based on knowledge of fish presence or a map indication.

Senior Planner Alex Capron said he was unsure if above the waterfall is fish-bearing, as it is site-specific. He stated that the fish are mapped in the creek, but if there is no fish at a specific point, biologists may determine if it is not a Type F stream.

Commissioner Ross Henry added that The Department of Fish and Wildlife approaches waterways with a data-driven approach to market water-based species, this requires landowners to hire biologists for testing and proving their validity. Senior Planner Alex Capron stated that he would circle around with a biologist or a wetland ecologist for further insight.

Commissioner Gilchrist discussed the interpretation of existing code regarding heritage trees. He stated that it reads that a heritage tree must be nominated by the landowner, but argue that heritage trees are not considered by their virtue of existence, but rather by their physical characteristics. Commissioner Gilchrist question was if this code interpretation applies to public trees and those nominated as heritage by landowners.

Senior Planner Alex Capron answered that the critical areas ordinance historically has captured the (15-foot) building setback line buffer, which is applied to all critical areas, including the root zone. However, the use of “or” in part B, instead of “and,” would allow the applicant to choose which provision within part B and C would apply, thus capturing the root zone as part of the protected area.

Staff clarified that there is a (contract) hearings examiner knowledgeable in public hearing proceedings and land-use decisions that is directed by the appealing body and carried through by the planning staff. Staff additionally clarified there are critical area maps, as referenced in text.

Chairman Greg Hohensee closed the public hearing at 6:17 pm.

Discussion Item

4. White Salmon Critical Area Update Deliberation

Commissioner Set Gilchrist expressed concern about the Type F waterway in Jewett Creek, predominantly above the waterfall. He believes no fish could make it up the waterfall and is a burden on landowners. Commissioner Gilchrist suggests recommending the city council approve a budget for a professional to examine the waterway and work with The Department of Fish and Wildlife as there is a natural (topography) buffers and physical limitations.

Chair Greg Hohensee asked Senior Planner Alex Capron if it is possible to add an exemption to the Type F stream, upstream of the waterfalls, into the critical areas ordinance to reduce setbacks for this specific area.

Senior Planner Alex Capron acknowledges that regulations related to stream buffers are not being addressed, and fish and wildlife have riparian management zone guidance. However, this guidance is

difficult to implement due to its reliance on site potential tree height and soils. He stated that it may not be appropriate for smaller jurisdictions but can pose the question as it relates to inside city limits.

Senior Planner Alex Capron cations that drastic changes to the buffer could require a re-notice due to the lack of description and capture within the SEPA process, which could conflict with the best available science.

Commissioner Seth Gilchrist said he believes that trees are a shared resource, similar to streams, and should be preserved. He argued that heritage trees work aims to prevent developers from removing trees for access reasons, as it is easier to not have a tree there than to have it. This perspective emphasizes the importance of preserving heritage trees. Commissioner Gilchrist suggested modifying the critical areas ordinance to include trees of a certain size. He said he understands this would impact development opportunities where trees can be designated as critical areas tract during the land-use process.

Commissioner Ross Henery further discussed the applicability of the critical area ordinance specific to White Salmon city limits.

Chair Greg Hohensee added the need for this ordinance to be easily interpreted and overlays readily accessible for developers without requiring staff's time.

Chair Hohensee expressed his thoughts on the use of a hearings examiner to oversee a complex ordinance. He believes that the intent of the hearings examiner is to put someone qualified in the position. He said he is concerned about the potential for a bad hire and the potential for political influence. Chair Hohensee believed that planning commissioners are less susceptible to political influence because of the four-year term. He also express concern about the potential for the commission to be solely responsible for critical areas, ordinances, and variances, which could lead to poor decisions.

Chair Greg Hohensee said he believes that if the Planning Commission is responsible for the issue, they should have the time and energy to understand the ordinance and make effective decisions. He stated that he was unsure of his stance on the matter, but he understood the importance of having a hearings examiner in place. He ultimately suggested that having five opinions heard on a complex subject is less prone to influence than one.

Chair Hohensee discussed the possibility of naming local flora and fauna for protection, even if they are not protected at the state or federal level. He expressed concern about the language used, as it may allow individuals with significant influence to prevent certain building projects.

Chair Greg Hohensee talked about the importance of aquifer language, stating that if new wells are needed, it is crucial to have a language in place to protect the water that needs to be accessed.

Commissioners agreed to review the heritage tree ordinance to protect trees like they are a shared resource but does it in a way that provides equity to the community.

Senior Planner Alex Capron stated that any management recommendations must be based on science and need technical documentation to be protected if someone used a species to prevent development near them.

The discussion continued to raise awareness of the issue of enforcing the ordinance at the time of building, regardless of whether the city and developer follow all the right steps to preserve a sensitive area.

The discussion also included enforcement issues regarding heritage trees in fair to poor health that have caused dangerous situations.

No formal action was taken.

The next steps include continuing to collect public comments through September 29, 2023, and the Planning Commission will follow-up with further edits or comments for the October 11 workshop. The Planning Commission anticipates making a recommendation to the city council on October 25, 2023; a public hearing is optional.

Commissioner Ross Henry shared he will be unavailable from October 13 – November 10, 2023.

ADJOURNMENT

The meeting was adjourned at 7:09 pm.



Greg Hohensee, Chairman

Erika Castro Guzman, City Project Coordinator