



White Salmon Planning Commission Meeting
A G E N D A
February 08, 2023 – 5:30 PM
119 NE Church and Via Zoom Teleconference

Meeting ID: 870 7639 6342
Call in Number: 1 (253) 215-8782 US (Tacoma)

Call to Order/Roll Call

Public Comment

Approval of Minutes

- [1.](#) Approval of Minutes - March 10, 2021
- [2.](#) Approval of Minutes - October 26, 2022
- [3.](#) Approval of Minutes - November 9, 2022
- [4.](#) Approval of Minutes - December 14, 2022

Public Hearing

- [5.](#) WS-VAR-2022.002, Blackmon
The Applicant seeks to obtain a variance to White Salmon Municipal Code 17.28.034(A3) Dwelling Standards for an R-2 zoned lot located at 850 E Jewett Blvd to build a single-family residence eventually.

A copy of the proposed Variance is available on the City's website or by calling Erika Castro Guzman at (509) 493-1133 x209. Written comments may be submitted to Erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, February 8, 2023, noting in the subject line *Public Hearing – Proposed Variance 2022.002*. Individuals who wish to testify via teleconference or in person will be allowed to do so.

Adjournment

File Attachments for Item:

1. Approval of Minutes - March 10, 2021



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, March 10, 2021
DRAFT

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chair
Ross Henry
Michael Morneault
Tom Stevenson (By telephone)

Staff:

Pat Munyan, City Administrator
Jan Brending, City Clerk-Treasurer
Ken Woodrich, City Attorney

Excused:

Seth Gilchrist, Excused

CALL TO ORDER/ ROLL CALL

Ross Henry called the meeting to order at 5:30 p.m. Two audience members were present in person. A quorum of planning commissioner members was present.

CHANGES TO THE AGENDA

Ross Henry said he would like to propose adding an agenda item related to appointing the chair of the Planning Commission.

***Moved by Tom Stevenson. Seconded by Michael Morneault.
Motion to add an agenda item for Appointment of Chair. CARRIED 4-0.***

APPOINTMENT OF CHAIR

***Moved by Ross Henry. Seconded by Tom Stevenson.
Motion to nominate Greg Hohensee as Chair. CARRIED 4-0***

APPROVAL OF MINUTES

1. Approval of Meeting Minutes of February 10, 2021

***Moved by Michael Morneault. Seconded by Tom Stevenson.
Motion to approve meeting minutes of February 10, 2021. CARRIED 4-0.***

2. Approval of Meeting Minutes of February 24, 2021

***Moved by Tom Stevenson. Seconded by Michael Morneault.
Motion to approve meeting minutes of February 24, 2021. CARRIED 4-0.***

ACTION ITEMS

3. Design Standard Review (WS-DR-2020.001) – Tao Berman, Applicant

Chair Greg Hohensee reviewed the procedures for the public hearing. No ex parte contact was reported by Planning Commissioners.

Jan Brending and Pat Munyan provided an overview of the design review application for Mt. Hood View Apartments LLC submitted by Tao Berman. The design review relates to the exterior of a new mixed-use building located at 115 N. Main Street. The building is currently under construction. It was noted the applicant has been granted a conditional use permit by the Planning Commission to

construct a second independent structure with a mix of long-term residences, short-term vacation rentals, and other retail space on the same parcel. Berman is requesting the use of corrugated, two-toned metal siding for the new mixed-use structure.

Tao Berman and his architect, Doug Hatch made a presentation regarding the proposed use of corrugated, two-tone metal siding noting that the goal is break up the mass of the structure.

Greg Hohensee, Commission Chair reviewed the city’s municipal code related to the design review.

Commission members and staff discussed the proposal. Jan Brending read a statement from Seth Gilchrist into the record. Gilchrist stated that he has reviewed the city’s findings and architectural drawings and believe the request should be approved as Berman is working to improve the architectural appearance of the building. Gilchrist noted the city’s codes do not specify what is acceptable architecture.

***Moved by Tom Stevenson. Seconded by Michael Morneault.
Motion to approve request (WS-DR-202.001) by Tao Berman to use corrugated, two-tone metal siding for the new mixed-use structure located at 115 N. Main Street finding that it is compatibly designed and to be applied intentionally rather relied on solely as a less expensive option. CARRIED 4-0.***

PUBLIC COMMENT

4. No additional comments on the draft elements of the Comprehensive Plan were received.

DISCUSSION ITEMS

5. **Comprehensive Plan Update Workshop**
 - a. **Economic Element**

Staff reviewed comments received by Planning Commissioners and City Council Members regarding the draft Economic Element and responded to the applicability to the comprehensive plan, policy or table for a code interpretation conversation. Additional discussion included wordsmithing and staff clarification.
 - b. **Park and Recreation Element**

Staff reviewed comments received by Planning Commissioners and City Council Members regarding the draft Park and Recreation Element and responded to the applicability to the comprehensive plan, policy or table for a code interpretation conversation. Additional discussion included wordsmithing and staff clarification.

The Planning Commission will discuss the History and Historic Places Element, Transportation Element, Public Facilities and Service Element, and the Capital Improvement Program Element at the next Planning Commission meeting on March 24, 2021.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Greg Hohensee, Chair

Erika Castro Guzman, Associate Planner

File Attachments for Item:

2. Approval of Meeting Minutes - October 26, 2022



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, October 26, 2022
DRAFT

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chairman
Ross Henry
Tom Stevenson
Seth Gilchrist
Michael Morneault (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 5:30 p.m. A quorum of planning commissioner members was present. Ten audience members attended in person or by teleconference.

PUBLIC COMMENT

No written public comment or spoken testimony was made.

PUBLIC HEARING

1. Proposed Variance 2022.001

Public Hearing

Greg Hohensee, the Chairman, opened the public hearing at 5:33 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 variance proposes a modification from White Salmon Municipal Code 17.24.040(F) regarding density provisions: the requirement for a front yard setback from 20-ft to 0-ft front yard setback. The subject property, owned by Steven Kingsford-Smith, is located at 716 NE Tohomish Street. The proposed 0-ft frontage is for the applicant's eventual desire to build a single-family residence.

The property is east of the White Salmon Ball Fields/Spok's Bike Park and south of the White Salmon Gun Range, fronting off NE Tohomish and rearing NE Park Ave. The site is primarily sloped, most predominantly near its northern property boundary along NE Park Ave. The site is currently vacant.

The purpose of the variance process is to provide a mechanism where the city may grant relief from the provisions of Title 17 where hardship is a result of the physical characteristics of the subject property. Staff has reviewed the Applicant's variance request and has found that although there is a steep slope on this property, previous land use actions (1995.001 Variance) addressed this by granting a variance to the front setback from 20 feet to 10 feet and no hardship that could be reasonably applied as a direct result of additional physical characteristics of the subject property and in 1996 a variance to allow a zero lot line development was denied. The circumstances for making that decision have remained the same. Homes are commonly designed and constructed to fit the lot size and shape. Because parking is not addressed in materials submitted by Applicant, Staff concluded that an additional variance would be required to address this issue, or if a garage is part of a future residence,

the garage would enter directly into the public right of way with no sightline visibility. Staff notes that even if off-street parking issues were addressed to the City's satisfaction by meeting parking requirements per City code, granting an additional setback variance from the previously granted 10-foot variance to zero feet constitutes a special privilege. In addition, granting of the variance request would be found to be materially detrimental to the public welfare, as well as injurious to the future adjacent property owners.

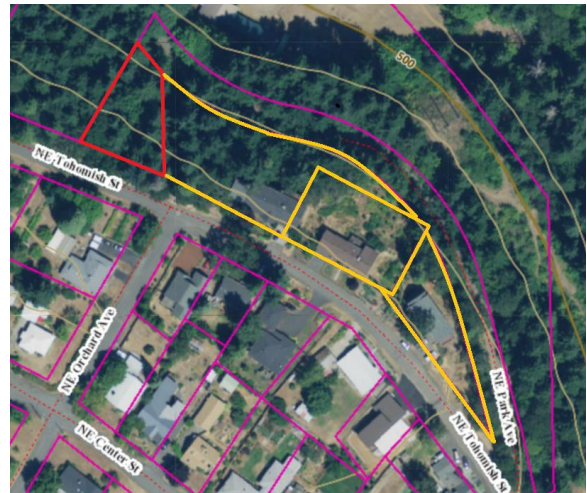
Recommendation: Staff recommends the Planning Commission deny Variance 2022.001, a variance to reduce the present 10-foot setback allowed in the 1995 variance decision to a zero-lot line development. There are no recommended conditions of approval.

Applicant Presentation

The applicant and owner, Steven Kingsford-Smith, presented his case to the Planning Commission with the assistance of ten photographs illustrating his property's steepness vs. the adjacent property to the east (along NE Tohomish Ave).

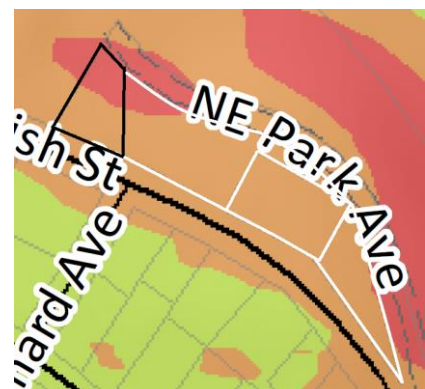
Kingsford-Smith stated he'd been a resident of White Salmon for over 21 years, has raised his daughter in the area, and is a teacher with the White Salmon Valley School District. He said he purchased the property along Tohomish Street seven years ago and has acquainted himself with the local neighborhood with the special desire to build his modest retirement home.

Steven Kingsford-Smith stated that in May 2022, he and his architect, Alice Hellyar, had a pre-application meeting with the former planner, Brendan Conboy, and Bill Hunsaker, Building Official, to discuss the general variance procedure for his proposed residential site plan. He stated that staff encouraged his variance application at that time. Quoting a portion of WSMC 17.80.058 Variance Purpose and Criteria (1), he noted that his understanding of said code means that to be approved, a proposed project must likely succeed or be effective in real circumstances, feasibly sensible, and realistic.



Kingsford-Smith stated that his lot is marketably different from the three lots to the east, from which it was subdivided; therefore, believes this granting of the variance would not constitute a special privilege as he thinks the three lots are entirely different. He stated that his lot has a lot less gentle sloping surface compared to the other three parcels by referring to the city's critical area slope hazardous map where he points to the red spot indicating 40-percent and up slope; the orange illustrates 15 to 39.99-percent slope; and the yellow identifies 0 to 14.99-percent slope.

The Applicant shared that his property boundaries were not surveyed nor marked, and nor were his neighbors. Still, he believes that the lots to the east have their parking and front yard within the right-of-way, and their residences are built closer to the public road than the 1995 variance granted. He narrates each photo to show the "lack-there-of flat" or "gently sloped" or "less topographical challenges" in comparison to 716 NE Tohomish St.



In conclusion, Kingsford-Smith states that his property is not practical, not feasible, and different from the properties in the same subdivision because it has far more steeply sloped land. He stated that the existing frontage variance does not meet the developmental needs of 716 NE Tohomish, regardless of the findings in the 1995 variance to be equivalent to the properties to the east. He said that adhering to the 10-ft front setback, his proposed 1,100 sq. ft. home (approximately 24' by 48') would extend 48' into the property, but from his calculations from a 10' setback, would place the northern foundation pilings on a slope of 40-percent or greater. He said this puts unnecessary hardship on him (as the property owner) for environmental reasons, erosion of slope stability reasons, site safety, and cost. He believes that placing a structure on the property line would cause no interference (with snow plowing, on-street parking, potential future sidewalks, or any other supposed complaints) that would make his project a feasible and practicable reality.

Kingsford-Smith addressed that he did not include a parking drawing in his land-use application because it does not require a building permit plan; he stated that the zoning's parking would be met and shown for at the time of the building permit process. He emphasized that the variance is solely for the placement of the residential structure. Still, he said he would likely propose a hillside parking deck (platform) parking from the paved right-of-way on private property.

Public Comment

Two written public comments in opposition were submitted by Susan Benedict, 673 NE Tohomish St, and Jay Carroll, also from 673 NE Tohomish St, as part of the packet.

No spoken testimony was made.

Staff Rebuttal

Land-use Planner, Jeff Broderick, addressed the applicant's comparison of his property by stating that specifically regarding the Williams' property, 718 NE Tohomish St, based on previous building permits on file, the original residence built appears to have at least a 10-foot frontage, meeting the variance standard granted in 1995. He continued by stating that it seemed to meet the 20-ft frontage based on a building site plan illustrating the garage at a 23-ft front setback, where the residence is slightly setback forward. Planner Broderick concluded that the Williams' residence is in compliance, possibly meeting the standard front setback.

Planner Broderick said that while this parcel is steep, it is not a cliff and is buildable, although it means that construction will be more costly. He stated that the feasibility of development is not a reason to grant a variance and setting precedence to granting a variance solely on cost can be detrimental to the public. He explained that the parcel's attributes had stayed the same since the subject parcel was created (in 1995), and the owner purchased the property aware of said attributes. He refers to the 1995 variance as he states that it does account for the slope, allowing a 50-percent frontage reduction from the zoning standard.

Regarding construction safety, Planner Broderick said construction workers are trained to work at different heights, regardless of the number of stories of a building or slope.

Regarding stormwater run-off, He stated that all new construction must account for all of its stormwater on-site, regardless of location.

Planner Broderick additionally stated that specific to parking, because it was not addressed, with a structure at the property line, staff was concerned that this could lead to future variances before construction; therefore, stating parking is an issue in this case.

Applicant Closing Rebuttal

The applicant and owner, Steven Kingsford-Smith, reiterates that his property is being viewed as equivalent to the three properties to the east, while he believes that his property is the most challenging to develop; he stated that while he thinks the 1995 variance accommodates for the other parcels developments, it did not account for his; otherwise it would have already been developed. He stated that his lot has less gently sloped land and more steeper sloped land; therefore would not be granted a special privilege because it is a lot that requires special requirements. Kingsford-Smith restated that during his pre-application meeting, he was encouraged by former staff to proceed with the application.

Discussion

The Planning Commission discussed the variance proposal for 716 NE Tohomish Street, requesting a 0-ft frontage for the applicant's eventual desire to build a single-family residence.

Commissioner Ross Heney asked if a 30-percent slope or greater triggered a geotechnical report for new construction. Planner Broderick stated that the code indicates a 40-percent slope or greater. Commissioner Henry questioned that the structure's front setback for Williams' property should have been noted on the survey map of record. Chairman Greg Hohensee clarified that there is a special note indicating the granted 10-foot front setback it is on the recorded short-plat survey, referring to the History of the Property presentation slide. Commissioner Heney correctly identified he was referring to the Williams' Plot Plan document. Chairman Hohensee clarifies that the existing residence is close to meeting the standard front setback requirement. Planner Broderick explained that the city does not have the original residential plans for 718 NE Tohomish Street/Williams property but does have the proposed addition plans. That is why the plot plan referenced does not have the main structure setback, but does have the addition plans, therefore can extrapolate that the existing single-family residence is close to the 20-foot setback but cannot determine precisely what distance.

Commissioner Tom Stevenson stated the width of NE Tohomish St right-of-way is 60 feet while the surrounding streets are less. Planner Broderick noted that he did walk the site in question and is aware of its slope and the contour lines on the proposed site plan. He is also aware that granting this variance would set a precedent for variances to setbacks to what are buildable lots. Commissioner Stevenson asked what the width of the paved road was; Staff would have to measure said road to answer.

Commissioner Seth Gilchrist stated that in the various mentions of building a driveway, it was in his observations it seems impossible to make a driveway that does not cross the city right-of-way, more so, if the structures were pushed back 10-ft, it would be an additional 10-feet of the driveway that would still require right-of-way access onto NE Tohomish St paved road. Planner Broderick stated that the city parking code is flexible, assuming a vehicle can park (side by side, tandem, or parallel) on private property, with or without a garage. He stated that parking was not relevant to the variance decision. Planner Broderick noted that a concern with having a residential structure up to the right-of-way is that if people are parking in front of the house, they may start parking further and further into traffic, regardless of the width of the existing right-of-way as at some point the road will be re-developed. Commissioner Gilchrist stated that by staff saying that parking was an issue as a reason to deny the variance, then stating parking location is irrelevant to the decision confuses him. Chairman Hohensee clarified that the application does not address parking and that the planning commission is tasked with making a decision from the application as presented, and parking must be on-site per code. Planner Broderick further clarified that the applicant proposed their driveway within the right-of-way because staff is concerned about a potential parking encroachment. Commissioner Gilchrist stated that he did visit and walk the site and estimated the paved road width to be 24-ft and noted there was a lot of space between the pavement and the proposed building site; he further commented that the public comments received that expressed safety access concerns can be placed

in a subjective category because he believes one could get an emergency vehicle as it currently exists. He stated that he considers this road to be unlikely to be expanded because it serves a small area and said that if the city would extend this road's use to expand across the 60-ft width, it would be poor urban planning, but would encourage it to be used for sidewalks and bike lanes. Commissioner Gilchrist stated that the lot looked an extremely challenging looking-lot to build on and sides with the applicant that it has different characteristics than the neighboring lots. In this case, he concludes that a zero-lot line would present any safety concerns.

Chairman Hohensee had no questions or clarification of the presentation.

Commissioner Stevenson sought clarification from the applicant as to why parking was not addressed through this variance application because it seems important to the decision discussed. The applicant, Stephen Kingsford-Smith, referred to the photo looking west of his vehicle parking parallel to the road that shows the only flat right-of-way that would lead to an elevated bridge (10' by 10') with utilities underneath at the property line or would also work if the house was setback 10' from the property line. He states that there is no flat ground to make a driveway to the house; therefore, in theory, it would have a two-car bridge that would act as a driveway to park in front of the house whether the house started 10 feet back from the edge of the right of way. However, it would create a long bridge to the home or leading to the property line, where the cars would park in front of the house. Alice Hellyar, the Architect, further clarified that parking had not been decided; the variance for the residential structure's placement is the first step to see what is feasible but assures there are creative ways to park on steep slopes to avoid parking in the city's right-of-way.

Commissioner Stevenson asks if the city has a survey record of the front building setback to the Pearson residence in relation to city right-of-way; Planner Broderick stated that the property was not part of the decision, no.

Commissioner Henry noted that there is a two-car parking requirement when new construction is proposed. Planner Broderick clarified that city code specifies that vehicles must be parked on-site and accommodated off the city's right-of-way.

Planner Broderick sought clarification from the applicant and their architect to ensure a clear understanding of the variance requested. He clarified that there is an allowed outright 10-ft front setback based on the 1995 variance; vehicles may be parked between the city right-of-way and the 10-ft setback. He asked the applicant if he was proposing his house to be constructed at the property line, a 10-ft setback, or a 20-ft setback. Kingsford-Smith illustrated his understanding of property setbacks. Chairman Hohensee summarizes his illustration as an outright use based on the 1995 variance. Kingsford-Smith understands the frontage setback and wants to build up to the property line.

Commissioner Henry states that he now understands that although parking is not important to the variance decision, it would be required to pass the next step, which would be the building permit review.

City Attorney, Ken Woodrich, noted that the applicant understands that the Planning Commission body does not have the authority to authorize any use of the city's right-of-way; it is only allowed by the City Council, regardless of the reliance on what prior staff may have said in a pre-application meeting. If the applicant would like to request the use of the city's right-of-way, it would be considered a Type D Right-of-Way Application, with an entirely different process and decided by the City Council.

Chairman Hohensee closed the public hearing at 6:59 p.m.

Motion

Moved by Tom Stevenson. Seconded by Seth Gilchrist.

Motion to approve, as is, Variance 2022.001 regarding WSMC 17.24.040(F), regarding density provisions, to allow a 0-ft front setback for the property addressed at 716 NE Tohomish Street.

Discussion

Commissioner Stevenson stated that he believes this is a unique situation because he would not like to make this a precedence but said he respects Planner Broderick's concerns. He states that this is a 19-ft road within a 60-ft right-of-way built by former City Administrator Pat Munyan with a grant. He shared that he grew up playing in Jewett Creek and is aware of how steep the properties in this area are, and a 60-ft right of way, in this instance, can be viewed as oversized—he stated that during his site visit, there might be neighboring fencing encroachments.

Call to Order: Attorney Woodrich interrupts Commissioner Stevenson to let him know that he is talking about things that are not within the public hearing record, therefore, cannot be considered for decision-making. He advised Chairman Hohensee to have the commissioners withdraw their motion and reopen the public hearing to allow any additional comments.

Motion Withdrawn

Seth Gilchrist withdrew his second to the motion. Tom Stevenson withdrew his proposed motion.

Public Hearing Reopened

Chairman Hohensee reopened the public testimony of the hearing at 7:13 p.m. Exclusily to allow Commissioners to add points of fact into the record upon Attorney Woodrich's recommendation.

Commissioner Tom Stevenson stated that he believes that neighboring houses encroach into the city right-of-way significantly. He shared that he grew up in this neighborhood, which has always been small with minimal traffic. He stated that NE Tohomsh St has a 60-ft right-of-way, partly over the hillside, and believed it was thoughtfully built to that width because it was unnecessary. He said he thinks the Pearson house is built up to the public right-of-way and, although not part of the variance, is part of the area.

Commissioner Seth Gilchrist noted that on the drawings submitted on the plot plan, he calculated, based on the house site and topographic lines presented, that the house, as shown at a 0-ft setback, is built on a 50-percent average grade from the front to the back of the house.

Chairman Greg Hohensee asked the staff if the house site, according to the building code, would have to be built to street grade. Planner Broderick stated that he assumed that the house would not need to be flush with the street.

Commissioner Stevenson further noted that the grade percentage calculated by Commissioner Gilchrist is likely 10 feet below the street grade at the property's boundary.

Commissioner Ross Henry had no additional comment.

Chairman Hohensee closed the public testimony of the hearing at 7:19 p.m.

Motion

Moved by Tom Stevenson. Seconded by Seth Gilchrist.

Motion to approve, as is, Variance 2022.001 regarding WSMC 17.24.040(F), regarding density provisions, to allow a 0-ft front setback for the property addressed at 716 NE Tohomish Street.

Discussion

Commissioner Henry stated that he shares staff's concern for setting precedence, especially working in real estate; he believes it does matter, especially since there has been a variance granted in 1995 that the neighbors have adhered to, although in this case, the house would be on a slope, beyond the hill that is within the right-of-way and does into the property at 50-percent or greater. He stated that similar to this variance's pitch, the undeveloped lots south of NE Grandview Blvd; he would suspect that the planning commission would have to be prepared to see a similar variance be desired. Commissioner Henry stated that although the Comprehensive Plan anticipates motion to step away from 60-foot right-of-way widths and believes sidewalks were not a priority, therefore cannot be brought up as contentious to an application. In conclusion, he stated that vacant lots are transacted; therefore, if a buyer has not done their due diligence in selling, complicated building sites are factors of a property's selling value.

Chairman Hohensee discussed the variance approval criteria and reiterated the staff's findings to the planning commission. He stated that middle ground has already been found through the variance granted in 1995, and to Commissioner Henry's point, this would set a precedence for any steep residential lot. He concluded that for the proposed variance to be approved, it must meet all nine of the established criteria in WSMC 17.80.058 5 a-i, for which, in this case, it does not meet any criteria and would be considered granting of a special privilege as other developers have been forced to build on steeper residential lots. Chairman Hohensee stated that allowing residential lots to build up to the property line is a big-city feel, not a small-town feel like they identified as desirable for the City of White Salmon through its Comprehensive Plan update.

Commissioner Gilchrist stated that he believed the variance in 1995 considered then Lot 2, including what now has two other houses on it. An average find could have been that a sufficient portion of the original lot could meet the standard front setback, but now on the most western end, the lot should have received a zero-foot setback in his option. He stated that his interpretation of small-town feel meant a diversity of home types and density, not necessarily large front lawns. He does not believe granting this variance grants any other precedence than that established by granting a 10-foot front setback in 1995.

Chairman Hohensee requested Commissioner Gilchrist find the delta from the residential structure was to be built from the 10-ft front setback.

Commissioner Stevenson restated that the NE Tohomish St is unique because it encompasses part of the hillside, and the property is unique because it starts 10/15 feet below road grade. He stated that he believes no precedence is being set because no other similar property would be eligible. He further said that he agreed with Commissioner Gilchrist's comments.

Chairman Hohensee rebutted Commissioner Stevenson by stating that if any developer building on a slope should be granted a variance, then the appropriate way to address that concern should be through building and zoning codes.

Commissioner Seth Gilchrist noted that, based on the topographic lines presented by the applicant's site plan, that the house, if presented at a 10-ft setback, would be built on a 57-percent average grade from the front to the back of the house, a 7-percent difference. Chairman Hohensee stated the slope difference would require a change in the cost of the building structure plan but should be considered manageable.

Vote

TIE, MOTION FAILS 2–2.

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

Robert’s Rule states that the majority is required for a vote to pass. A tie vote is not a majority.

City Attorney Ken Woodrich explained that the new motion has to be made in the affirmative. He stated that unless there is a motion to approve with conditions, it sounds like there has been a determination because, following Robert's Rule, the application is denied by virtue of a motion to approve failed to pass. So, the action to deny (option #3) is not a motion in the affirmative; it is a motion in the negative, therefore, is not an appropriate motion under Robert's Rules.

Attempted Motion

Moved by Tom Stevenson. No Commissioner Seconded Motion.

Motion to approve with conditions Variance 2022.001 regarding WSMC 17.24.040(F), regarding density provisions, to allow a 0-ft front setback for the property addressed at 716 NE Tohomish Street.

- 1. The applicant has to prove that the right-of-way that runs up against is more than 10 feet below the level of the roadway.**

No Commissioner Seconded Motion, MOTION DIES.

Therefore Variance 2022.001 is DENIED BY DEFAULT.

The applicant, Stephen Kingsford-Smith, asked if there was any remedy for only having four Commissioners present for the public hearing vote. Attorney Woodrich stated there is no remedy as a quorum is present, and the commission could take action, and it did.

ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

Greg Hohensee, Chairman

Erika Castro Guzman, City Associate Planner

File Attachments for Item:

3. Approval of Minutes - November 9, 2022



CITY OF WHITE SALMON
Planning Commission Workshop - Wednesday, November 9, 2022
DRAFT

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chairman
Tom Stevenson
Seth Gilchrist
Michael Morneault (via Zoom)
Ross Henry (Excused after 7:10 p.m.)

Staff:

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

CALL TO ORDER/ ROLL CALL

Chairman Greg Hohensee called the meeting to order at 5:35 p.m. A quorum of planning commissioner members was present. No audience members attended in person or by teleconference.

PUBLIC COMMENT

No written public comment or spoken testimony was made.

DISCUSSION ITEMS

1. **Training Workshop**

Greg Hohensee, the Chairman, opened the discussion by acknowledging the Commissioners for attending the Planning Commission Work Session as a formal orientation to review the expectation of Planning Commission, and its mission, vision, and expectations.

The Commissioners discussed the type of Planning Commission Meetings and Robert's Rules of Order. Staff was included in the conversation to outline Staff's pre-application procedure and types of city land use decisions, focusing on Type II and Type III decisions and the typical public hearing procedure.

Furthermore, the Planning Commission examined the Variance Approval Criteria and Conditional Use Approval Criteria.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Greg Hohensee, Chairman

Erika Castro Guzman, City Associate Planner

File Attachments for Item:

4. Approval of Minutes - December 14, 2022



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, December 14, 2022
DARFT

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chairman
Michael Morneault
Seth Gilchrist
Tom Stevenson (via Zoom)
Ross Henry (Absent Excused)

Staff:

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

CALL TO ORDER/ ROLL CALL

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

APPROVAL OF MINUTES

1. **Approval of Meeting Minutes –April 13, 2022**

Moved by Michael Morneault. Seconded by Tom Stevenson.

Motion to approve minutes of April 13, 2022, as written.

MOTION CARRIED 4–0. Morneault – Aye, Stevenson – Aye, Gilchrist – Aye, Hohensee – Aye.

PUBLIC COMMENT

Troy Rayburn, City Administrator

Troy Rayburn introduced himself to the Planning Commission as the new City Administrator and thanked the Commissioners for their public service.

Bill Hunsaker, City Building Official and Fire Chief

Bill Hunsaker informed the Planning Commission that he would attend the Klickitat County and the Federal Emergency Management Agency (FEMA) hosted Klickitat County Virtual Flood Risk Open House. He stated that he is the city's designated representative and would be able to assist in providing information about the updated Flood Insurance Rate Map. Fire Chief Hunsaker noted that the city's only concern for flooding is Jewett Creek, primarily near the Columbia River.

The new flood map is officially known as a Flood Insurance Rate Map. It identifies areas of flood risk (high, moderate, low). It will affect financial, planning, investment, and development decisions. Owners of structures in high-risk areas will need flood insurance if they have a loan from a federally regulated or insured lender. We encourage everyone to learn about their flood risk and purchase flood insurance. The revised map is available online for public review and comment. You can view the maps here: [Klickitat Map Viewer](#).

PUBLIC HEARING

2. Proposed Conditional Use Permit 2022.006

Public Hearing

Greg Hohensee, the Chairman, opened the public hearing at 5:34 p.m. and read the Appearance of Fairness Doctrine to the planning commissioners for the public hearing; no conflict of interests or concerns arose.

Public Comment

No written public comment or spoken testimony was made.

Staff Presentation

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

The applicant, Jenessa VanDehey, on behalf of Feast Market LLC, seeks to obtain a Conditional Use Permit as per White Salmon Municipal Code 17.48.030 to provide a commercial/residential mix located at 218 E Jewett Blvd to eventually separate a one-unit apartment for a long term rental (60%) from a food/beverage commercial business frontage (40%). The existing building is 1,107 square feet; it is a one-story structure built in 1904 and most recently renovated in 2022, with access from E Jewett Blvd and NE Tohomish St.

The property, 218 E Jewett Blvd, is located in downtown White Salmon between two mixed commercial properties. The structure is currently considered commercial use, business office space. The site has two grade levels; each generally flushes to the north and south right-of-way.

The purpose of the conditional use permit process is to provide flexibility in the city's land use regulations to accommodate uses that may be appropriate in an established zone under certain circumstances. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use was 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 determined that the proposed use should be permitted by weighing the public need and benefit derived from the use against the impact it may cause.

Recommendation: Staff recommends the Planning Commission approval with conditions Conditional Use Permit 2022.006, allowing a mix of commercial/residential use for the property address at 218 E Jewett Blvd, with the following conditions

1. Business Licenses

White Salmon Municipal Code 5.04.070

The business owner/ real property owner shall obtain and maintain a current City business license. The applicant's contractor shall obtain a City business license before the issuing of any permits. The failure to maintain a business license may result in the cancellation of the Conditional Use Permit.



2. **Outside Storage**

White Salmon Municipal Code 17.48.075(I)

An outside covered refuse storage area shall be illustrated on the site plan before building plan review that meets the requirements outlined in WSMC 17.48.075(N).

3. **Commercial Frontage**

White Salmon Municipal Code 17.48.030(4)

Street-facing, street-level residences, or the front portion of the structure facing E Jewett Avenue shall remain a commercial business and shall not be used for residential purposes of any kind; this includes short term rentals.

4. **Number of Spaces for Designated Uses**

White Salmon Municipal Code 17.72.090

The minimum space required for a dwelling unit is two permanently maintained, on-site parking spaces. The minimum space that is necessary for the anticipated food and beverage places with sale and consumption on premises calculates as one permanently kept, on-site parking space for every 200 square-feet of gross floor area. Therefore the minimum number of parking spaces required for this project is four.

The minimum parking space size is provided in WSMC 17.28.050; each space shall not be less than 8 feet, 6 inches wide, and 19 feet in length. The adequate four parking spaces shall be illustrated and provided on-site prior to Certificate of Occupancy.

5. **Fire Safety**

The City Planner accepted the Fire Chief's code recommendations as a Condition of Approval, including: 2018 International Building Code (IBC), Section 508.4. These codes outline the appropriate fire wall that shall be required for mixed use in said the structure.

6. **Construction**

The City Planner accepted the Building Official's code recommendation as a Condition of Approval, for which the commercial space shall provide (at a minimum) a shared bathroom that shall adhere to 2018 International Building Code (IBC), Section 2902.

Discussion

The Planning Commission discussed the conditional use permit proposal for 218 E Jewett Blvd, requesting a mix of commercial/residential use for the applicant's desires to eventually separate a one-unit apartment for long-term rental from a proposed food/beverage commercial business frontage.

Commissioner Tom Stevenson thanked Staff for their clear and comprehensive staff report; he had no questions or clarification of the presentation.

Commissioner Set Gilchrist addressed the front of the building and asked staff if there was a concern about the two entryways, that it looked like a duplex or if it was made to be used as a fronting residential area. Planner Jeff Broderick stated that the building's frontage is not a concern but may be further assessed when remodel plans are submitted to the city to assure compliance, but the applicant proposes commercial frontage use in accordance with city code and is a condition of approval.

Commissioner Michael Morneault asked if the residential unit would be proposed as a long or short-term rental. Planner Broderick stated that the proposed residential unit must be used for long-term

rental; it would not qualify for a commercial short-term rental permit application; regardless of a change in ownership, the conditional use permit runs with the property. Commissioner Morneault clarified if there was any part of the Washington State Code that amends the referenced International Building Code (IBC). Staff and Chairman Hohensee stated that Bill Hunsaker, as the Building Official, will be better at answering building code questions. Still, the city has adopted, by ordinance, the latest International Building Code standards. Commissioner Morneault said he just wanted to ensure that the city was following Washington State Building Code, which may differ from the International Building Code.

Chairman Hohensee had no questions or clarification of the staff's presentation.

Applicant Presentation

The applicant, Jenessa VanDehey, co-owner of Feast Market LLC, introduced herself and Shawn Simmons to thank the Planning Commission for hearing their conditional use permit application to get started in their new venture. She stated that they hope to open up a small ice cream shop in the front commercial space with long-term employee housing in the back.

Discussion

The Planning Commission had an opportunity to ask questions to the applicant of the application or presentation.

Commissioner Stevenson, Gilchrist, and Chairman Hohensee had no questions or clarification of the applicant's presentation.

Commissioner Morneault asked if there would be access from the rear of the building to the commercial frontage. The applicant, Jenessa VanDehey, said no; she stated that the residence and commercial space would be separate.

Motion

Moved by Tom Stevenson. Seconded by Seth Gilchrist.

Move to approve with conditions Conditional Use Permit 2022.006 allowing mix commercial/residential use for the property address at 218 E Jewett Blvd, with the conditions presented by staff.

Discussion

Commissioner Gilchrist stated that he appreciated the applicant submitting a complete application that met the city's zoning conditional use permit criteria.

Commissioner Stevenson agreed with Commissioner Gilchrist. He restated appreciation for Staff's well-presented and clear staff report motion and conditions of approval of said conditional use. Commissioner Stevenson acknowledged that this property is near Downtown's Sweet Gum Tree but has no bearing on the outcome of the conditional use permit application.

Vote

MOTION CARRIED. 4–0.

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

Chairman Hohensee closed the public hearing at 5:53 p.m.

DISCUSSION ITEMS

3. Staff's Follow-up on Training Workshop from November 9, 2022

Planner Jeff Broderick presented the Development Review Team overview and proposed changes to the Planning Commission.

This discussion consisted of Staff's follow-up on the Planning Commission's Training Workshop from November 9, 2022, where the Planning Commission addressed several items that would assist applicants in being better prepared for their application decision type and expectations of the process, including a more inclusive building permit review. Planner Broderick assures there will be more internal discussions as both land use decisions and building permits move through the process to avoid arguments after a permit has been issued and ensures compliance with the decision/permit.

The Development Review Team primarily comprises city staff but may bring in other public agencies as necessary. The goal for staff is to be available and assist all proposed developers and citizens in effectively working through the city development code and standards, including following project schedules and inspections.

Planner Broderick stated that there is a weekly set time available for an applicant to meet with staff, granted that quality materials are received a week before said meeting. For a developer to get on the development team's agenda, they must first identify that this is a project they can develop, and to do so, staff will attempt to lay it out all in front of them. When the Development Review Packet forms are complete, City Community Development/ Special Project Coordinator, Erika Castro Guzman, will maintain the central record at City Hall.

The purpose of the Development Review Team is (1) to ensure proper communication, (2) development review, and (3) documentation in all situations while the city is working with development. Staff stated that this is a living document, meaning that the team will be reviewing it about every six months to ensure that it meets our outlined measures of success, which are: (1) all communication with developers is in writing and well documented in the central file, (2) developers are well satisfied and feel the city is organized and professional (3) the city has an excellent reputation for its professionalism, and (3) documents are completed as planned.

City Administrator Troy Rayburn emphasized staff's presentation by stating that these changes will increase the necessary documentation and create a more deliberative process as it applies to making a decision and reviewing any application. Furthermore acknowledged and thanked Planner Broderick and Project Coordinator Castro Guzman for their due diligence and for bringing attention to the need for a more professional approach to making decisions.

Commissioner Gilchrist said he looks forward to the upcoming documentation improvements and accountability. Commissioner Stevenson agreed with Commissioner Gilchrist.

ADJOURNMENT

The meeting was adjourned at 6:07 p.m.

Greg Hohensee, Chairman

Erika Castro Guzman, City Associate Planner

File Attachments for Item:

5. WS-VAR-2022.002, Blackmon

The Applicant seeks to obtain a variance to White Salmon Municipal Code 17.28.034(A-3) Dwelling Standards for an R-2 zoned lot located at 850 E Jewett Blvd to build a single-family residence eventually.

A copy of the proposed Variance is available on the City's website or by calling Erika Castro Guzman at (509) 493-1133 x209. Written comments may be submitted to Erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, February 8, 2023, noting in the subject line *Public Hearing – Proposed Variance 2022.002*. Individuals who wish to testify via teleconference or in person will be allowed to do so.



**CITY OF WHITE SALMON
PLANNING COMMISSION PUBLIC HEARING**

FEBRUARY 8, 2023

**VARIANCE APPLICATION
WS-VAR-2022.002**

Findings and Decision

City of White Salmon Administrative Review for a Variance

File Number: VAR-2022-002 Blackmon

Decision Date: January 30, 2023

Planning Commission Hearing Date: February 8, 2023

Land Use Decision Type: Type II

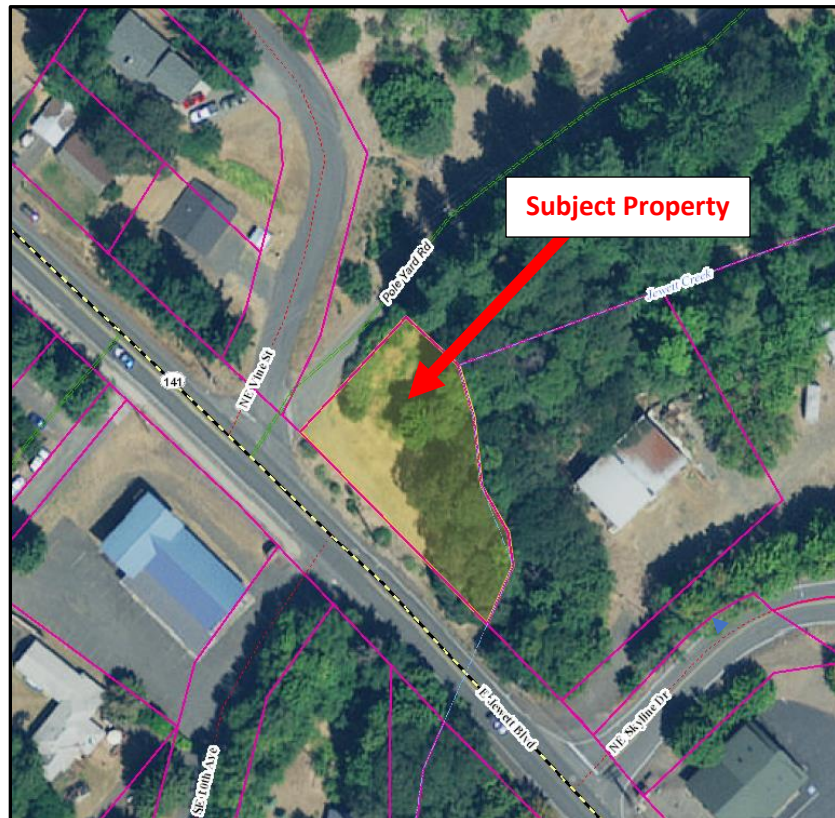
Applicant: Sarah Blackmon

Property Owners: Sarah and Joel Blackmon

Subject Property Tax Lot(s) and Legal Description(s): 03113012001400, TL 18Z in NW ¼ NE ¼ & STREET IRR TRACTS TO WS; 30-3-11

Address: 850 East Jewett Boulevard; Located at the corner of Pole Yard Road and East Jewett Boulevard

Figure 1: Subject Property



Applicable City Code

WSMC 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.*
...
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.*

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2017-04-1005, § 1, 4-5-2017)

Other sections of the City code are indicated herein by reference.

List of Exhibits

- Exhibit A..... File VAR 2022-002 Application and supporting materials-includes site plans not used
- Exhibit B..... Revised site plans submitted on December 2, 2022
- Exhibit C..... 2021 Variance decision and supporting documents, File 2021-003-O'Donnell-referred to as the 2021-003 decision throughout this document. Site plan on page 66 of combined exhibits.

Proposal

The Applicant proposes to construct a residence with a wing of the residence that is below City standards regarding structure width. White Salmon Municipal Code (WSMC) 17.28.034(3) states all dwellings shall not be less than twenty feet in width at the narrowest point of its first story. The Applicant proposes a structural width of sixteen feet for one of two wings of the residence. (Exhibit B)

Variance applications are processed as a Type II review.

Property Description

Per the application submitted, the property is 12,756 square feet. The property borders NE Pole Yard Road/NE Vine Street on the northwest, East Jewett Boulevard along the southwestern border, and the eastern/northeastern edge of the property borders Jewett Creek. The property is mostly flat but does slope steeply toward Jewett Creek on the eastern and northeastern portions of the property.

Previous Land Use Decision

Because Jewett Creek runs along the eastern and northeastern perimeter of the property, the previous owners of this parcel sought a critical areas variance (File 2021-003 VAR-O'Donnell, also references to File 2021-003 CAO O'Donnell-they are the same file and land use action) to establish a buildable area as most of this parcel is within a critical environmental area due the proximity of Jewett Creek. Without a buildable area being established, it was impossible to build on this parcel without some kind of critical area variance. The critical area variance was granted (Exhibit C-site plan on page 66 of combined attachments) with conditions. Throughout these findings and recommended decision, File 2021-003 VAR- O'Donnell will be referred to as the 2021-003 decision.

Because of the shape of the buildable area established as part of the 2021-003 decision, a proposed residence and supporting facilities such as driveways shall fit within the buildable envelope. This means that large residences or residences with certain shapes may not fit within the buildable envelope. Per White Salmon Municipal Code (WSMC) 17.80.058(5)(f), "The variance is the minimum necessary to fulfill the purpose and the need of the applicant". The variance granted as a result of the 2021-003 decision fulfilled this requirement by establishing a buildable area. The 2021-003 decision did not grant construction of a specific type of residence or allow for not meeting City standards for structure width.

In addition, per WSMC 18.10.125(C)(4), "Any alteration is the minimum necessary to allow for reasonable use of the property." The buildable area was approved by the Planning Commission at their February 9, 2022 meeting (the 2021-003 decision) and allowed for reasonable use in accordance with these standards.

Note About Site Plan in Exhibit C

Staff notes the site plan with a buildable area (Exhibit C-page 66 of combined attachments) shows a proposed building. Although a building was drawn as part of the proposed buildable area site plan, it was the buildable area in relation to geohazards, riparian buffers, creek buffers, etc., that were established as part of the 2021-003 decision, not approval of a specific type, style, or size of the structure. The findings and conditions of approval in the 2021-003 decision **did not** establish building size or dimensions standards or grant variances to building standards.

WHITE SALMON MUNICIPAL CODE (WSMC)

TITLE 17 – ZONING

WSMC 17.28.034 PROPERTY DEVELOPMENT STANDARDS.

A. Dwelling standards:

1. *A single-family residential dwelling shall have a minimum floor area of six hundred square feet excluding porches, carports, garages, and basement or other rooms used exclusively for the storage or housing of mechanical or central heating equipment.*

FINDING: Applicant has proposed a structure greater than 600 square feet, so it meets the square footage standards. The issue at hand is the width of the proposed structure which is below City standards.

2. *All single-family dwellings shall be placed on permanent foundations.*

FINDING: This will be reviewed at the time the building permit application is received.

3. *All dwellings shall be not less than twenty feet in width at the narrowest point of its first story.*

FINDING: Per plans submitted in December 2022 (Exhibit B), one wing of the residence is proposed to be 16 feet wide which does not meet City standards.

4. *All manufactured homes must be new on the date of installation and comply with applicable siting standards in Section 17.68.130.*

5. *Maximum building height shall not exceed twenty-eight feet in residential zones.*

6. *No business signs shall be erected or displayed on residential lots or adjacent street right-of-way buffer strips, except as provided in Sign Ordinance, Chapter 15.12 of this code.*

7. *No contour or existing topography shall be substantially altered by fill, excavation, channeling or other device that would cause flooding, inundation, siltation, or erosion by storm water on adjoining lots, open spaces, or rights-of-way.*

B. Accessory use, accessory buildings and garages.

1. *Any plumbing and/or sewer facilities in any accessory building or garage shall be subject to International Building Code requirements and limited to the exclusive private use of the residents of the principal building.*

2. *Sewer stub-out facilities shall not be provided in or adjacent to any garage or accessory building for use within that building unless the building contains an approved ADU.*

3. *Garages and all accessory buildings used as studios, workshops or for home occupations shall conform to International Building Code requirements and to the setback requirements for principal buildings except that such structures may be located up to five*

feet from the rear lot line if the rear lot line abuts a dedicated alleyway of at least fifteen feet in width.

C. *Fences.*

1. *Fence heights shall not exceed six feet along rear or side lot lines.*
2. *Fence heights shall not exceed five feet along front lot lines.*
3. *On corner lots the fence height along the side yard adjacent to the street shall not exceed four feet for the first twenty-five feet from the lot corner to ensure adequate view clearance per Section 17.68.090.*
4. *Fences shall not be constructed or kept in any manner which could constitute a safety hazard to the person or property of adjoining landowners or to the general public.*

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

FINDING: Once the Applicant submits plans that meet City standards, plans will be reviewed for compliance based on the above-stated standards found in WSMC 17.28.034 and any other relevant standards per City code. These standards include but are not limited to setbacks from property lines, critical areas, creeks, geohazards, height, parking areas within the buildable envelope, and access.

WHITE SALMON MUNICIPAL CODE (WSMC)

TITLE 17 – ZONING

WSMC 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.*

FINDING: This parcel was subject to significant development restrictions due to critical areas related to the property's location next to Jewett Creek. However, the 2021-003 decision alleviated these restrictions by establishing a buildable area within these critical environmental areas as long as other conditions approved in the 2021-003 decision are met. The purpose of the 2021-003 decision was to establish a buildable area, not guarantee the construction of a specific house shape or size. Not being able to build a home is a hardship and one that was remediated in the 2021-003 decision. That the Applicants cannot build a specific house style that fits within the buildable area is not a hardship.

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.*

FINDING: Applicants submitted appropriate application materials.

4. *Permit Review Process. Variance applications shall be processed as a Type II decision according to the procedures set forth in Title 19.*

FINDING: This land use application was reviewed per Type II decision standards. Public notices were sent And a public hearing has been scheduled before the Planning Commission on February 8, 2023. Public notices were mailed to adjacent property owners, agencies and a notice posted on the property on January 4, 2023. The comment period lasted from January 4, 2023 to the Planning Commission hearing on February 8, 2023.

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;*

FINDING: Other property owners do not enjoy the ability to construct residential structures that are less than 20 feet in width at their narrowest point. In the last four months, Staff has recently met with potential applicants of other properties and have advised these applicants inquiring about constructing homes less than 20 feet in width as something that would not be permitted. Staff finds allowing a portion of a residence that is less than 20 feet in width constitutes the granting of a privilege.

- 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;*

FINDING: The 2021-003 decision remediated the special circumstances regarding the ability to develop this lot and provided the ability to construct a residence. That the Applicants want to build a specific type of house does not make a variance necessary. It is possible to build a residence on this property within the buildable envelope. Special circumstances relate to attributes of the parcel, not attributes of desired architectural styles.

- 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;*

FINDING: Staff finds that the granting of this variance would be detrimental to the public welfare as this is incompatible with advice given to other potential applicants asking about building sub-20 foot width structures and as previously discussed, is a special privilege not accorded to other property owners in the community and property owners in the vicinity of the subject property are not permitted to construct residences less than 20 feet in width.

- 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;*

FINDING: The special circumstances of the subject property were addressed in the 2021-003 decision making an allowance for a buildable area in an area that would have otherwise been unbuildable. As discussed previously, because someone cannot build a specific shape of home is not an unnecessary hardship.

- e. *The special circumstances of the subject property are not the result of the actions of the Applicant;*

FINDING: The 2021-003 decision was initiated by the previous property owner. This decision runs with the land and applies to future property owners. Although the geographic constraints of this property are not the result of actions of the owner, the established buildable area of this property existed and the decision was part of the public record at the time the Applicants acquired the parcel. In addition, the Applicant has proposed a structure that does not meet City standards and a structure meeting City residential-size minimums can be built within the building envelope. Staff finds proposing a structure that does not meet City standards is a result of actions of the Applicant.

- f. *The variance is the minimum necessary to fulfill the purpose and the need of the Applicant;*

FINDING: The Applicant can build within the buildable area established by the 2021-003 decision and through the variance process associated with that decision, determined what was the minimum necessary amount of buildable land given geographic and critical area constraints. Because the Applicant wishes to build a structure of a structure of a specific size and shape, that does not meet this standard as the Applicant needs to show that no residence meeting code could be built. Although perhaps not allowing the style of structure the Applicant wishes, the buildable area is of sufficient size that a residence meeting minimum dimension standards may be built.

- g. *The variance is consistent with the purposes and intent of this chapter;*

FINDING: The intent of this chapter is to grant relief to property owners who may not otherwise be able to develop their property. The previous landowners, via the 2021-003 decision, were granted relief to geographic and environmental constraints by creating a buildable area.

Granting additional relief to allow for discretionary architectural attributes does not fulfill the purpose and intent of this chapter as the Applicants can still build a residence, just not a residence as they have proposed.

h. The variance is consistent with the goals and policies of the city comprehensive plan; and

FINDING: The policies via the City and Comprehensive Plan encourage infill development. The City is not preventing the Applicant from developing this property. What the City recommends is development code as currently written for structure widths be enforced.

i. The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

FINDING: Specific economic reasons were not included in the application, aside from a preference for a specific type of residence.

(Ord. No. 2012-11-905, 11-26-2012; Ord. No. 2017-04-1005, § 1, 4-5-2017)

RECOMMENDATION AND SUGGESTED MOTION(S)

The Planning Director recommends **denial** of 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.

*Option 1: Move to **approve as is** 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.*

*Option 2: 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.*

*Option 3: Move to **deny** 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.*

////////////////////////////////////// END OF RECOMMENDED DECISION //

Jeff Broderick
City Land Use Planner

January 30, 2023
Date



CITY OF WHITE SALMON VARIANCE PERMIT

VARIANCE APPLICATION INSTRUCTION

A variance is a method by which property owners are granted modifications to the strict application of the specific provision of *Chapter 17.80.058 of the White Salmon Municipal Code* due to a hardship beyond the control of the applicant. Variances do not permit property to be used in a manner other than that provided in the codes. This process is intended to review situations where uniform zoning application would unduly burden one property more than other properties in the area.

Please complete all portions of the attached application. You may provide any additional information you desire to support your application, i.e.: pictures, maps, letters etc. Your application will be reviewed by City Staff and upon completion, notice of the public hearing on the variance application will be advertised in "The Enterprise" and mailed to adjacent land owners. The public hearing will be scheduled with the Planning Commission within three to five weeks after submittal of the completed application.

The following is a list of the information to be submitted for a variance application:

1. Application form
2. Impact Fee - \$750.00 plus twice the actual cost of postage per letter of notification.
3. Environmental Review Fee - \$400.00, if applicable.
4. Area sketch – Show location of property and contiguous properties.
5. Plot Plan – Shows location on property including adjacent driveways, buildings, and easements. Dimensions of all improvements to property lines.
6. Radius Search – A list of names and mailing addresses of all adjacent property owners that abut the subject property of the variance location.

Date: August 13, 2022

Physical Address: Corner of Pole Yard Rd & Jewett Blvd.

Applicant: Sarah Blackmon

Representative for Applicant: NA

Telephone: 503 245 2338

Mailing Address: 2801 SE 59th Ave Portland OR 97206

Email: sarahmcoleman@yahoo.com

100 Main Street PO Box 2139 White Salmon, Washington 98672
Telephone: (509) 493-1133 Web Site: white-salmon.net

CHAPTER 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.

VARIANCE APPLICATION

To the White Salmon Planning Commission...

Describe the Modification of the terms of the White Salmon Zoning Ordinance requested: Requesting to modify 17.24.035.A.3 "All dwellings shall be not less than twenty feet in width at the narrowest point of it's first story." Requesting approval for a 16ft exterior wall, a decrease of 4ft from existing city of white salmon code.

Purpose of the variance: A 16ft exterior wall width will allow us to optimize limited size (2200sqft) and oddly shaped building envelope while utilizing quality well designed architecture that integrates the beauty of Jewett Creek and the surrounding hillside.

Complete legal description of property: Parcel 03113012001400, TL 18Z in NWNE 1/4 Street IRR Tracts TO WS; 30-3-11

Common description of the property: 850 East Jewett Blvd.

Address of the property involved: SE corner of Pole Yard Rd & Jewett Blvd.

Zone in which property is located: R-2 Family Residential

Dimensions of the land: odd shape triangle (99' x 202') 12,756 square ft

Current Land Use of Site: bare land

Current land use to the:

North: Commercial (PUD) East: Commercial

South: Residential West: Residential

Floor space of buildings:

Existing: NA Additional: NA Entire: NA

VARIANCE APPLICATION (CONTINUED)

How many cars may be parked off the street on these premises: 5

Other Parking Provisions, Describe: _____

Name of each owner of the property involved and mailing address: _____

① PUD #1 Klickitat Co 1313 S. Columbus Goldendale WA

② Benny Co LLC P.O. Box 933 White Salmon WA 98672

③ Carol York Trustee P.O. Box 315 White Salmon WA 98672

④ Church Christian Evangelistic 1603 NE 26th Street Vancouver WA 98684

⑤ Luke Bradford 151 Old Hwy Lyle WA 98635

⑥ Jonathan Blake P.O. Box 7 White Salmon WA 98672

What are the exceptions or extraordinary circumstances which lead to applicant to believe this is entitled to a variance?

Code 17.24.035.A.3 is specific to the city of White Salmon and is not part of the WA State or International Building codes. WA state will be followed to ensure the wall's ability to withstand loads. This variance allows us to optimize the existing topography and limited approved building envelope of 2200 sq ft. The property is triangular shaped, contains a steep slope & is a total of 12,756 sq ft posing obvious design challenges. The approval of a 16ft exterior wall will allow us to utilize quality well designed architecture that integrates the beauty of Jewett Creek, the surrounding hillside and the property's unique character. An improvement from the vacant land as it currently sits.

The applicant(s) hereby certifies that all the above statements and the statements in any exhibit and plot plans transmitted herewith are true; and the applicant(s) acknowledge that any permit issued based on false statements transmitted herewith may be revoked.

Applicant Signature: E. Mann

Attachments

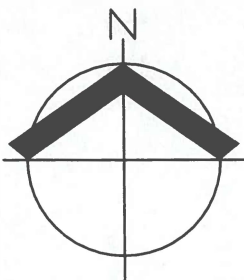
Exhibit A

- A. Area sketch
- B. Plot Plan
- C. Approved building envelope per 2/9/2022 memorandum
- D. Preliminary architecture drawings
 - a. Overview
 - b. 1st floor
 - c. 2nd floor
 - d. Elevation Sketch

Exhibit A



Klickitat County
Parcel No. 03113012001400



SCALE: 1" = 100 FEET



2

DATE: 05/24/2021

PARCEL MAP
O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY

FIGURE
2

AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, STE 2520
VANCOUVER, WA 98682

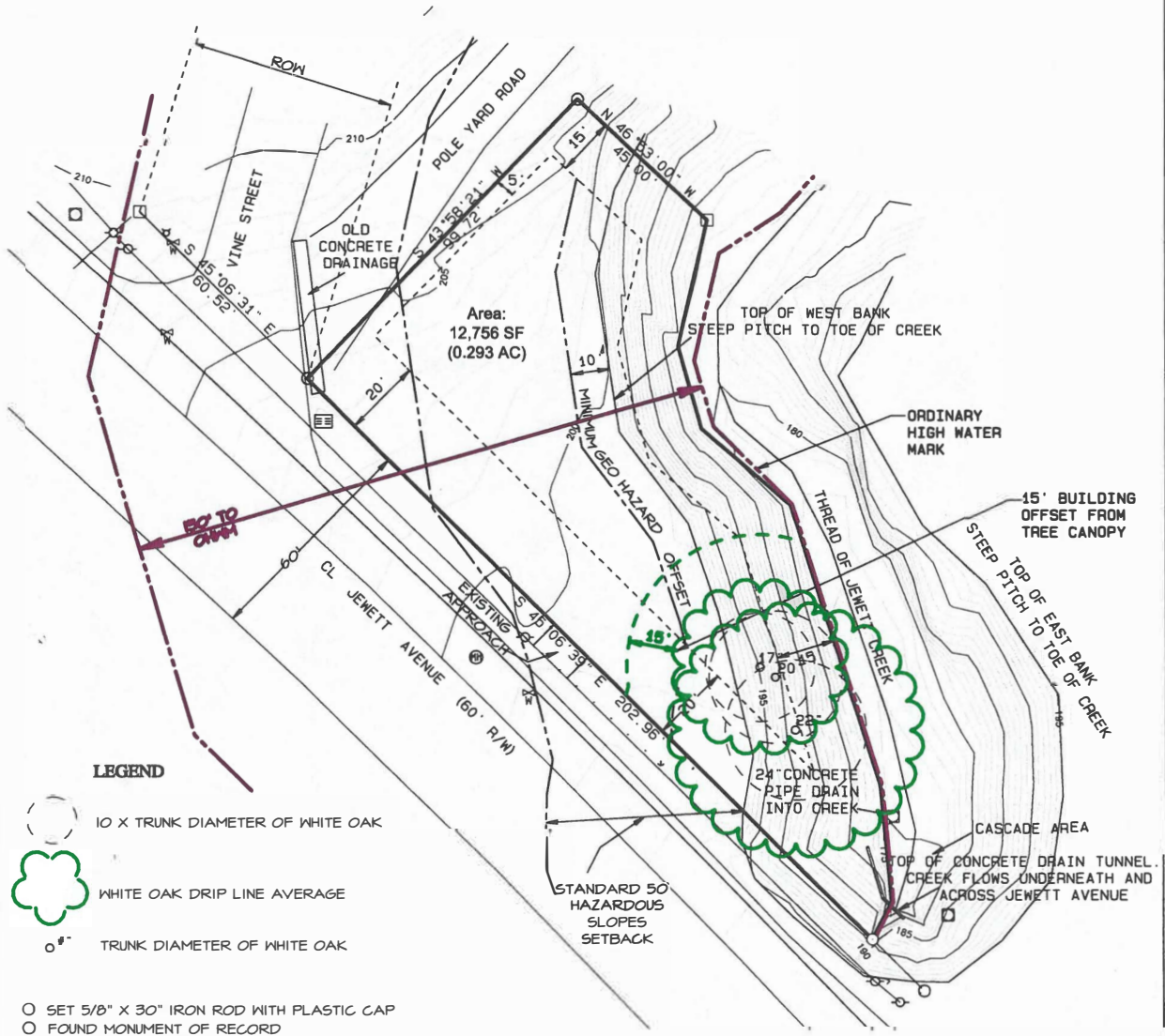


DRWN:	SAS
CHKD:	SAR
AK	39

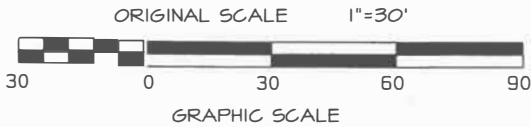
File VAR-2022-002 Blackmon aks-eng.com

EXISTING CONDITIONS **Exhibit A**

PARCEL#03113012001400 LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KLIKITAT COUTY, WASHINGTON



- LEGEND**
- 10 X TRUNK DIAMETER OF WHITE OAK
 - WHITE OAK DRIP LINE AVERAGE
 - TRUNK DIAMETER OF WHITE OAK
 - SET 5/8" X 30" IRON ROD WITH PLASTIC CAP
 - FOUND MONUMENT OF RECORD
 - CALCULATED, NOT FOUND OR SET
 - DEED OR PLAT CALL
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - STORM DRAIN
 - WATER VALVE
 - CATCH BASIN
 - POWER POLE
 - GUY WIRE ANCHOR
 - ORDINARY HIGH WATER MARK



0:\2019\8172\198172.pro

EXISTING CONDITIONS DATA AS PER TERRA SURVEYING

JOB NO. 198172
DATE 4/12/21
DRAWN BY JHD
REVIEWED BY ARB
DATE
SHEET NO. C1.00
TOTAL SHEETS 19

EXISTING CONDITIONS

WHITE SALMON WASHINGTON

BELL DESIGN COMPANY

CIVIL ENGINEERING LAND SURVEYING

900 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA, 98605

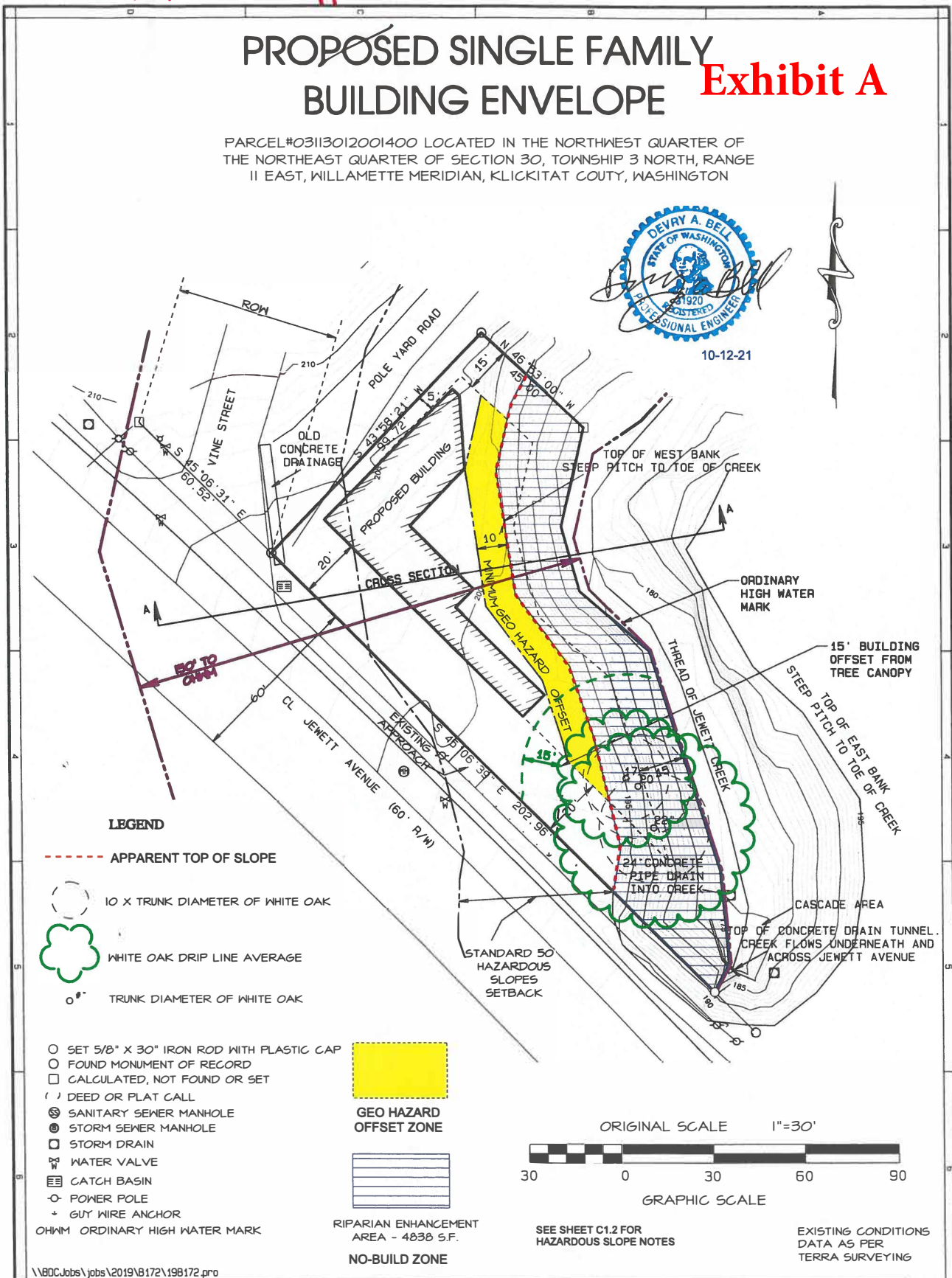
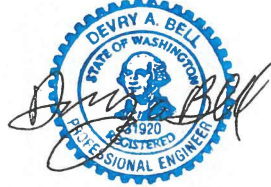
PHONE (509) 493-3886, FAX (509) 493-3885

belldesigncompany.com

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PROPOSED SINGLE FAMILY BUILDING ENVELOPE Exhibit A

PARCEL#03113012001400 LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE II EAST, WILLAMETTE MERIDIAN, KLICKITAT COU, WASHINGTON



<p>C1.00</p> <p>DATE: 4/12/21</p> <p>REVISION:</p>	<p>CRITICAL AREA HAZARDOUS SLOPES</p> <p>JOHN O'DONNELL</p> <p>WHITE SALMON WASHINGTON</p>		<p>BELL DESIGN COMPANY</p> <p>CIVIL ENGINEERING LAND SURVEYING</p> <p>900 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605</p> <p>PHONE (509) 443-3886, FAX (509) 443-3885</p> <p>belldesigncompany.com</p>
	<p>DATE: 1/28/12</p> <p>DATE: 4/12/21</p>		<p>DATE: 1/28/12</p> <p>DATE: 4/12/21</p>

Exhibit A

Attachment D(a)

Use Plans in Exhibit B

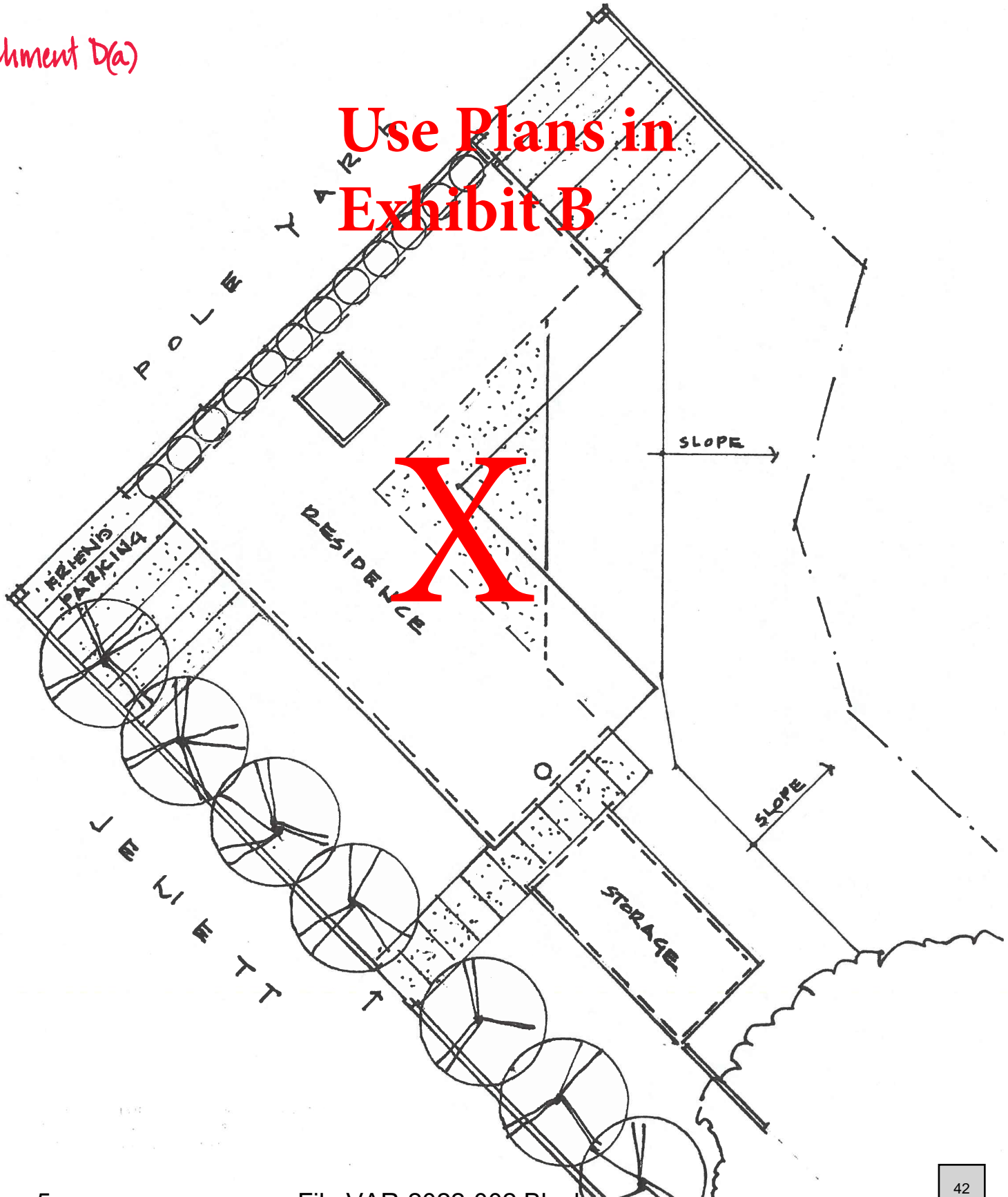


Exhibit A

Principals
Roc Knipp AIA
Dennis W. Pezer AIA
Brian J. Andriaga AIA

Use Plans in Exhibit B

Attachment D(b).

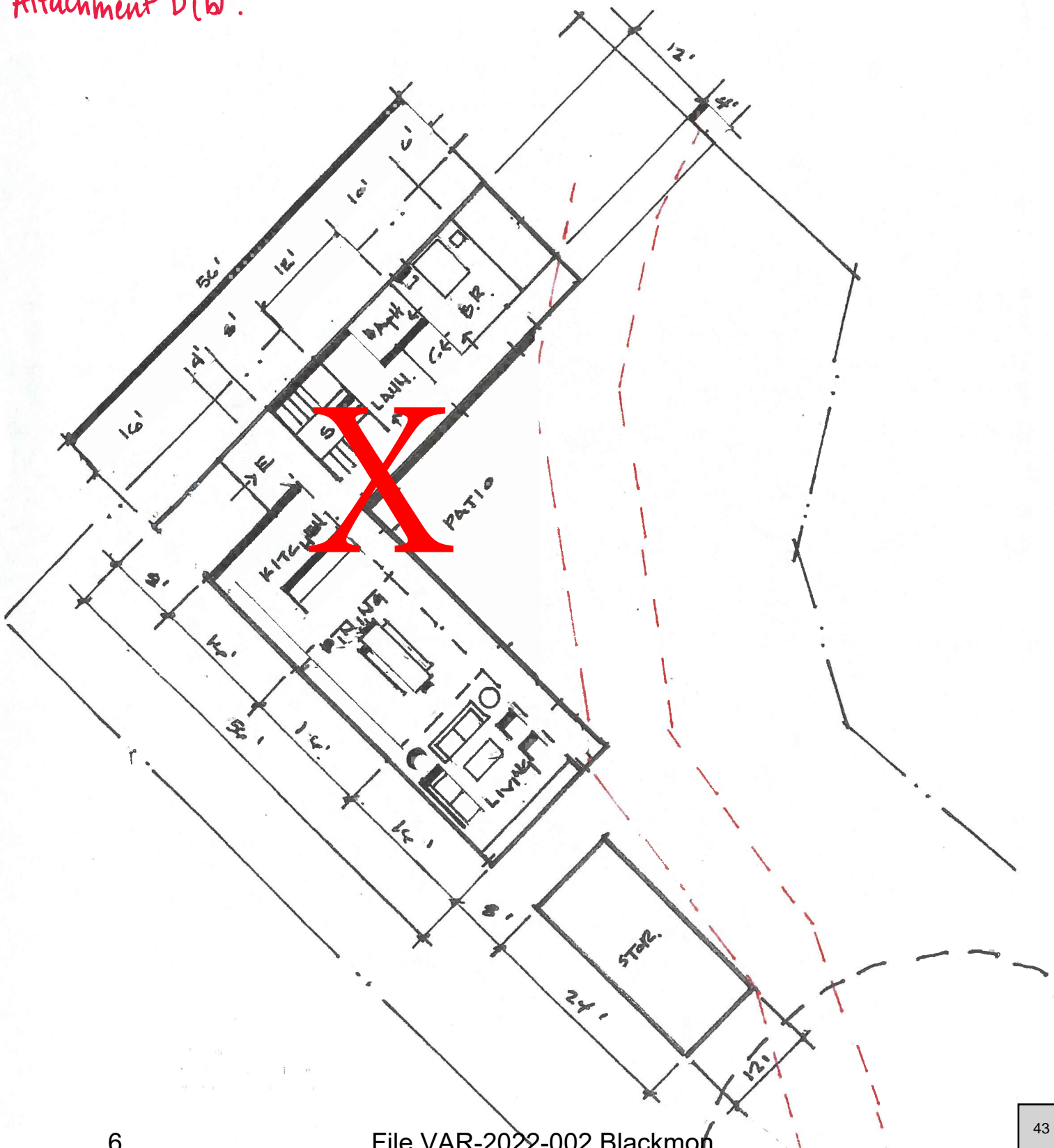
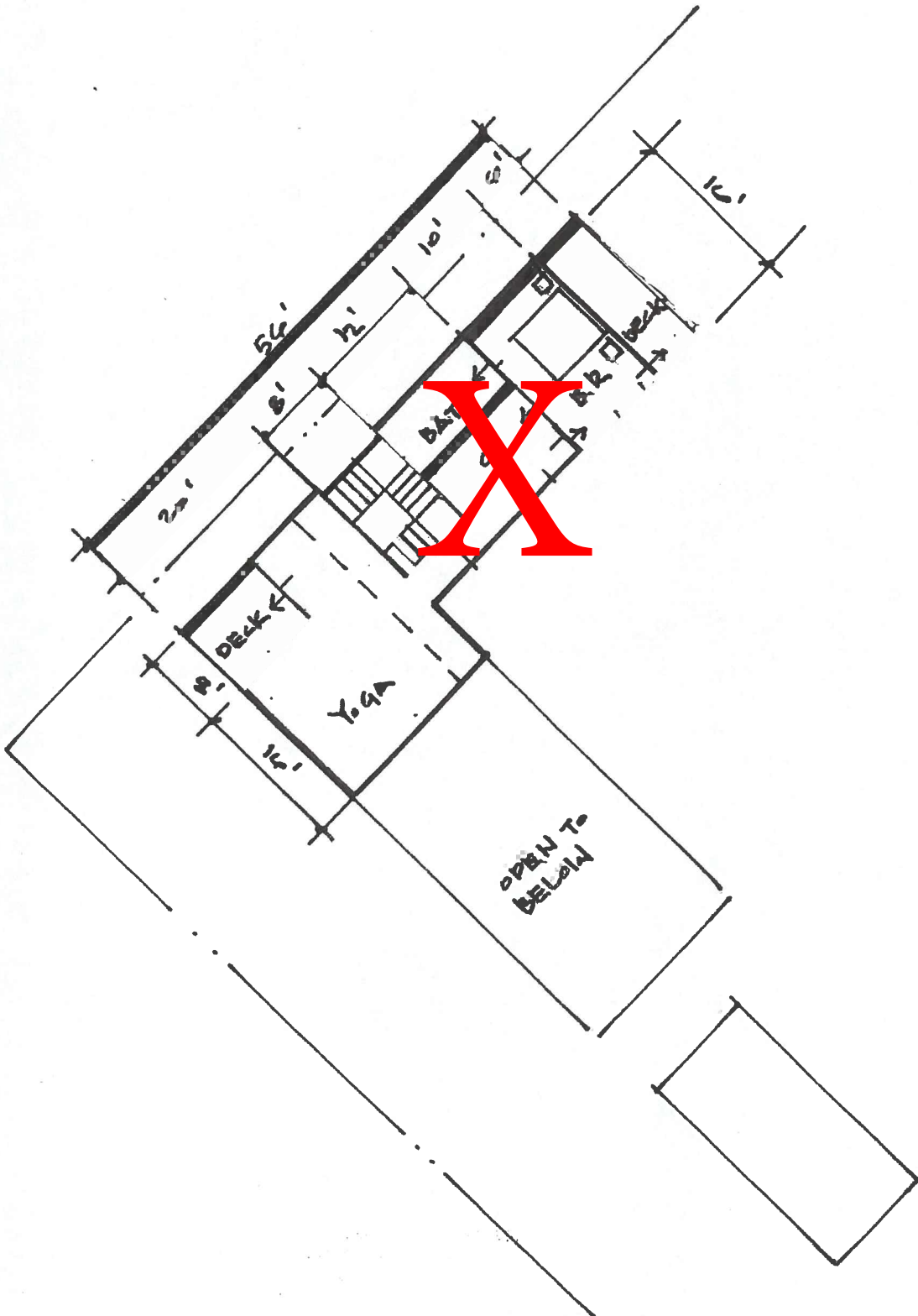


Exhibit A

Principals
Rod Ripper AIA
Dennis W. Dean AIA
Brian J. Andriaga AIA

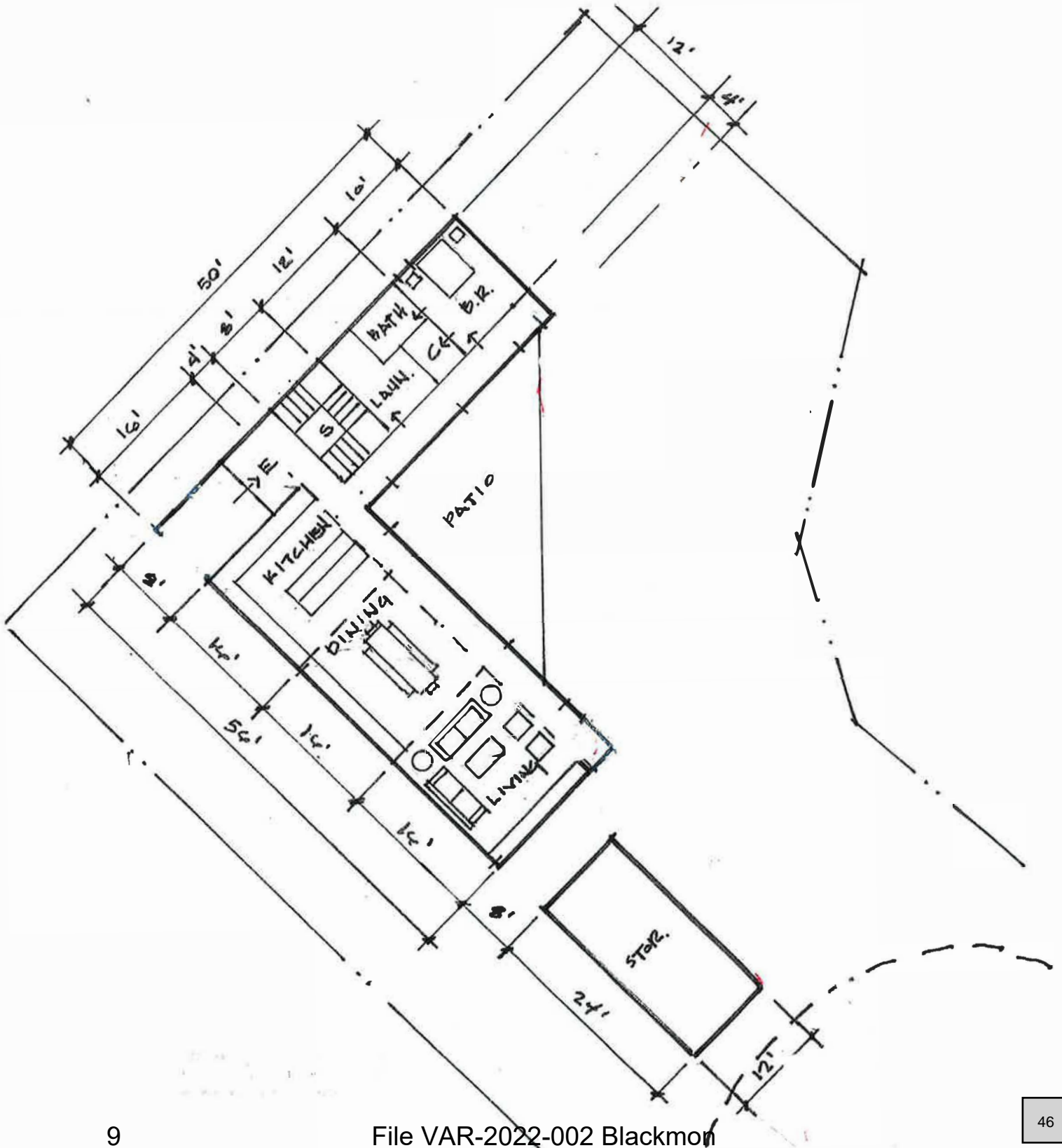
Use Plans in Exhibit B

Attachment D(c).



Principals
 Roc Kripper, AIA
 Dennis W. Dean, AIA
 Brian Andringa, AIA

Exhibit B



Principals
Rod Knoppel, AIA
Dennis W. Dean, AIA
Brian J. Andringa, AIA

Exhibit B

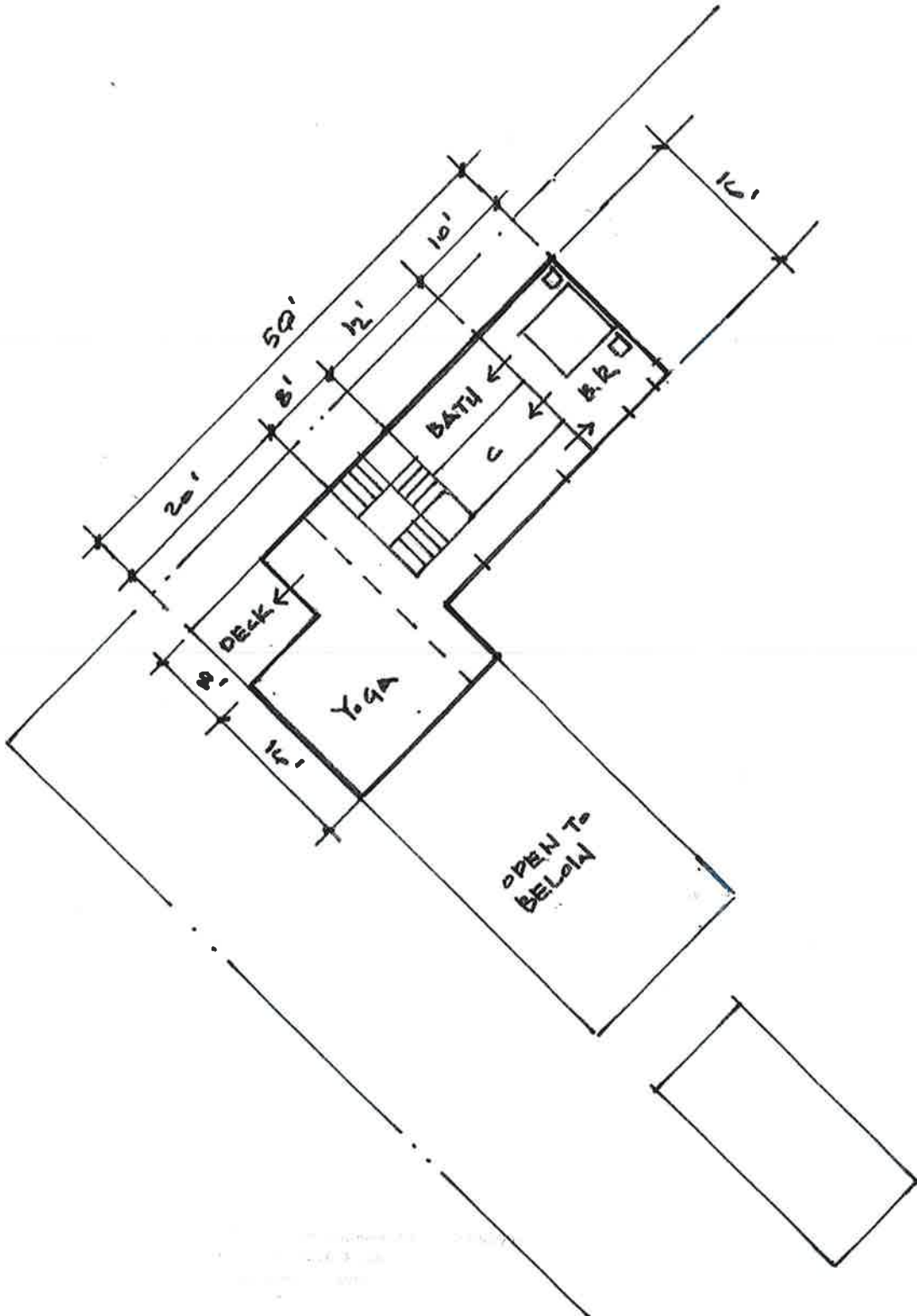


Exhibit B

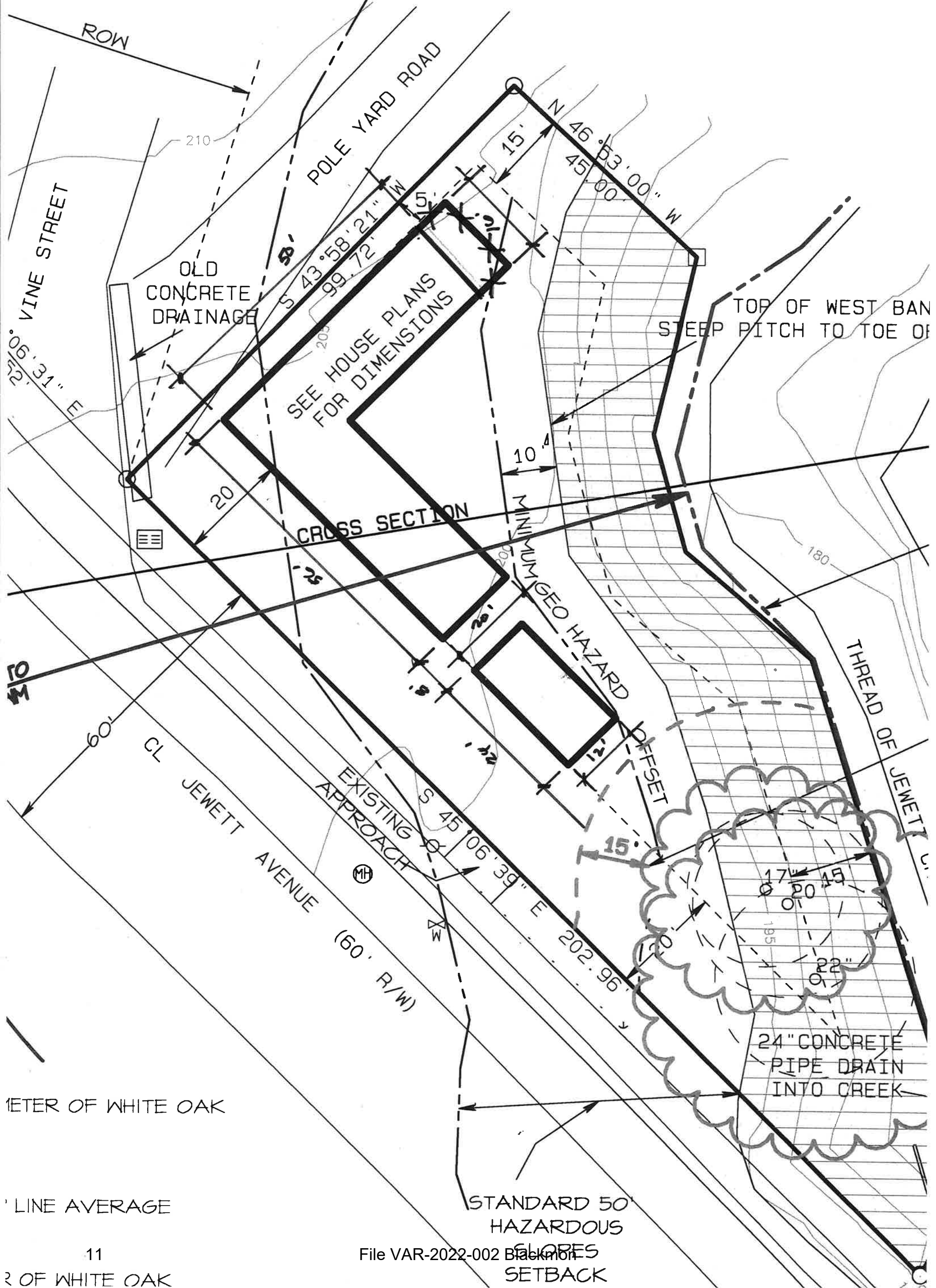




Exhibit C

CITY OF WHITE SALMON TIMELINE DOCUMENTATION

WS-CAO-2021-003

In Prevision with White Salmon Municipal Code Article IV – Project Review and Approval Process

Date Full Application Received	<u>Nov 30, 2021</u>
Date Fees Paid	<u>Dec 2, 2021</u>
Date Staff Report Completed	<u>Feb 7, 2022</u>
Date of Public Hearing	<u>Feb 2, 2022</u>
Date Notice to Public Agencies	<u>Jan 26, 2022</u>
Notice of Public Hearing Postings	<u>Jan 27, 2022</u>

- Mailings Sent to Radius Search Property Owners
- Columbia Gorge News* Newspaper
- Library
- Post Office
- Bulletin Board – City Hall
- Two Laminated Signs for Applicant Property

Agenda / Staff Report Distribution: _____

- Planning Commission Members
- Applicant
- Applicants Representative
- Applicants File Folder
- Public Hearing Minutes Places in Applicants File Folder

Date Letter sent to Applicant outlining Conditions or Denial: Approved w/ Conditions Feb 9, 2022

John O'Donnell
1524 Sherman
Hood River, OR 97031

100 Main Street PO Box 2139 White Salmon, Washington 98672
Telephone: (509) 493-1133 Web Site: white-salmon.net

White Salmon Planning Commission Meeting

A G E N D A

February 09, 2022 – 5:30 PM

Via Zoom Teleconference

Meeting ID: 885 6610 5764 Passcode: 919512



We ask that the audience turn off video and audio to prevent disruption. Thank you.

Dial by your location:

346 248 7799 US (Houston)	669 900 6833 US (San Jose)
253 215 8782 US (Tacoma)	312 626 6799 US (Chicago)
929 205 6099 US (New York)	301 715 8592 US (Wash. DC)

Call to Order/Roll Call

Approval of Minutes

1. Meeting Minutes - October 27, 2021
2. Meeting Minutes - November 18, 2021

Public Hearing

3. Proposed Conditional Use Permit 2021.005
Written comments may be submitted to erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, February 9, 2022, noting in the subject line "Public Hearing – Proposed Conditional Use Permit 2021.005." All written comments will be read during the public hearing. In addition, any individual who wishes to testify via the teleconference will be allowed to do so. You must register with the city (by contacting Erika Castro Guzman at erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, February 9, 2022) that you desire to testify via teleconference and provide your name and/or phone number as it will appear during the Zoom teleconference. A copy of the proposed Conditional Use Permit is available in the packet or by calling Erika Castro Guzman at 509-493-1133 #209.
4. Proposed Critical Area Ordinance Variance 2021.003
Written comments may be submitted to erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, February 9, 2022, noting in the subject line "Public Hearing – Proposed Critical Area Ordinance Variance 2021.003." All written comments will be read during the public hearing. In addition, any individual who wishes to testify via the teleconference will be allowed to do so. You must register with the city (by contacting Erika Castro Guzman at erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, February 9, 2022) that you desire to testify via teleconference and provide your name and/or phone number as it will appear during the Zoom teleconference. A copy of the proposed Critical Area Ordinance Variance is available in the packet or by calling Erika Castro Guzman at 509-493-1133 #209.

Adjournment



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, February 9, 2022

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

- Greg Hohensee, Chairman
- Ross Henry
- Seth Gilchrist
- Tom Stevenson
- Michael Morneault

Staff:

- Brendan Conboy, City Land-Use Planner
- Erika Castro Guzman, City Associate Planner

CALL TO ORDER/ ROLL CALL

Chairman Greg Hohensee called the meeting to order at 5:33 p.m. A quorum of planning commissioner members was present. Eight audience members attended by teleconference.

APPROVAL OF MINUTES

1. **Approval of Meeting Minutes – October 27, 2021.**
2. **Approval of Meeting Minutes – November 18, 2021.**

Commissioner Stevenson requested the following change in the October 27, 2021 meeting minutes, page 9 of 10 (first paragraph).

~~Commissioner Stevenson stated that existing short term rentals want to be grandfathered because of what was said in tonight's public hearing. He believes strict rules and regulations for short-term rentals are important and likes the idea of short-term rentals following the conditional use permit process.~~

Moved by Michael Morneault. Seconded by Tom Stevenson.

Motion to approve minutes of October 27, 2021, as amended and November 18, 2021, as written.

CARRIED 5-0. Morneault – Aye, Henry – Aye, Stevenson – Aye, Gilchrist – Aye, Hohensee – Aye.

PUBLIC HEARING

3. **Proposed Conditional Use Permit 2021.005**
 - a. **Public Hearing**

Greg Hohensee, the Chairman, opened the public hearing at 5:40 p.m. and read the Appearance of Fairness Doctrine to the planning commissioners for both public hearings.

Commissioner Stevenson disclosed that John O'Donnell was married to a cousin's daughter but would not impede his decision; there was no audience opposition.

Land-use Planner, Brendan Conboy, read into the record the following written testimonies:

1. James Stavish, Inside city Business Owner
2. Ruth Olin, Inside city Resident
3. Holly Middaugh, Inside city Business Owner

4. Tim Middaugh, Inside city Business Owner

One anonymous comment from an inside city resident was not read into the record.

Chairman Hohensee closed the public hearing at 5:55 p.m.

b. **Presentation**

Land-use Planner, Brendan Conboy, presented to the Planning Commission the conditional use permit report.

The subject property, owned by Julie Burgmeier and Rob Lutgens and represented by Tyson Gillard, Saga Build Design, Inc., is located at 415 E Jewett Boulevard. The conditional use permit proposes a 2,561 square-foot, 30'-4" tall, three-story residential duplex in the rear of the lot. The applicant proposes two stacked units separated by a ceiling on a commercially zoned lot. An existing duplex structure is located in the front of the lot and contains one long-term rental and one short-term rental.

The property is located approximately two blocks east of the downtown corridor, surrounded to the south, north, and east by a mix of predominantly single-family and multi-family residential properties adjacent to multiple commercial/institutional properties to the north and west.

The property contains four large oak trees (all to remain within the current design parameters). The heritage trees will require buffers that the proposed building will encroach into, lest the applicant receive a variance for said buffers. Additionally, the applicant requests a reduction in parking requirements based on the site's expected use and landscaping plans.

The applicant proposes dark corrugated sheet metal siding with stained cedar trim as an exterior material. The White Salmon Municipal Code requires that metal siding in the Commercial zone be subject to Planning Commission approval. WSMC Sec. 17.048.075(C) states:

Exterior walls/metal—Metal walls, panels, partitions, facing or surfacing of any type is subject to review by the planning commission and must be found to be compatibly designed and intentionally applied rather than relied on solely as a less expensive option. Window panel fillers, exterior metal doors, door casings and windows shall be allowed.

Recommendation: Staff recommends that the Planning Commission approve the applicant's Conditional Use Permit, WS-CUP-2021.005, to construct a 2,561 square-foot, 30'-4" tall, three-story residential duplex at 415 E Jewett Boulevard, subject to seven conditions of approval.

The applicant's representative, Tyson Gillard, presented to the Planning Commission. He clarified the applicant's proposal is intended for long-term rental. He stated that in the future, the applicant intends to reconstruct the front of the lot as the commercial zone intended with walkable commercial retail. Still, the owner hopes to meet the local demand for housing in today's housing crisis. He stated that the proposed duplex is designed to support future commercial use fronting Jewett Blvd and act as a buffer to existing residential on the south side while preserving four heritage trees. Gillard stated

that the applicant intends to submit a heritage tree management plan prior to construction. He noted that his client has experienced that only one parking space per unit is sufficient, and the reduced parking requirement would also help preserve landscaping.

Commissioner Henry questioned if the short-term rental was being interpreted as meeting a percentage of the commercial use split; he believed that previous discussions revealed that a short-term rental was not considered a commercial use.

Planner Conboy stated that it is at the Planning Commission's discretion to evaluate if the finding is correct. He noted that a Comprehensive Plan sentence acknowledges hotels and short-term rentals as a permitted use in the commercial zone. He added that there is an existing short-term rental, and one of the two units in the proposed duplex is for the owner/applicant who manages the short-term rental.

Commissioner Henry asked what would be the maximum number of units. Planner Conboy stated that there is no limit on units beyond 60% maximum residential square-footage of the structure(s) requirement. He clarified that he has attempted to create conditions of approval that would allow the future development of the lot into the 60% maximum residential, but at this time, the application would not meet the commercial/residential ratio.

Commissioner Henry asked for clarification on the 20-ft setback on a commercial lot abutting a residential zone. Planner Conboy stated that the city has been interpreting the minimum rear yard when abutting a residential district as zero when there is a road between the zoning transition. He said that the applicant's proposal happens to meet the 20-ft rear setback but could build up to the rear lot line.

Commissioner Gilchrist asked how staff could enforce the additional parking requirements. Planner Conboy stated that the condition is worded to be enforceable, even after occupancy, if parking becomes an observable nuisance. He said that the current parking code tends to over park sites, and staff is comfortable with the reduced parking as it can cause additional stormwater run-off and affect the heritage tree's protection area. Planner Conboy states that it is a balance to the objective and the validity of the applicant's statement that they feel capable of managing the site with four parking spaces. He referenced White Salmon Municipal Code (WSMC) 17.48.080 that authorizes flexibility to parking requirements in the downtown area and allows the Planning Commission to review if this is not an adequate condition of approval that would mitigate the perceived risk of parking.

Commissioner Gilchrist brought attention to the applicant's proposal for a 3-inch setback from the east property line along the Community Youth Center. He said he wonders what the implications would be if the eastern property redevelops to the property line to the proposed building as the city would not be able to prevent it.

Commissioner Gilchrist asked a procedural question of the next step for the applicant if the proposed conditional use permit were to be approved. Planner Conboy stated that the intent of the application is that the applicant proposed a residential structure in the commercial zone at the discretion of the Planning Commission. Planner Conboy stated

that the next step would be a heritage tree variance to encroach into the trees protection area.

Commissioner Stevenson clarified that the short-term rental is the only commercial use on-site. He also explained there is on-street parking on E Jewett Blvd. Commissioner Stevenson asked where the current parking is; the applicant's representative, Tyson Gillard, stated that parking is located south of the existing duplex in a gravel parking lot where the proposed duplex is proposed to be. Gillard clarified that the new parking would include two parking spaces in a garage and two parking spaces on compact gravel. He stated that there are additional on-street parking spaces on SE 4th Ave. Commissioner Stevenson said he understood the need for housing but didn't think it's good to set a precedence.

Commissioner Morneault clarified that the applicant lives in one of the two units and short-term rentals in the other. The applicant's representative, Tyson Gillard, stated that the applicant/property owner plans to move into the new building and rent the remaining unit's long-term.

Commissioner Morneault asked why the parking spaces are being proposed on gravel versus paved surfaces. Gillard stated that the applicant would like to keep permeable parking to manage storm water run-off better. He adds that the grading will be surrounded by a concrete curb so that the landscaping can handle catching all stormwater run-off.

Commissioner Morneault asked staff if a hard parking surface is required by code. Planner Conboy said yes. Gillard stated that the code does not specify paving but does read that parking shall be of a permanent surface. Chairman Hohensee stated the parking surface requirement should be verified with the Building Official as the previous conversation had resulted that gravel does meet the permanent surface requirement. Commissioner Gilchrist noted that he believes there is a requirement for the paving of the driveway to prevent over-spillage of rock onto the road. Planner Conboy stated that his recommendation would be to require pavement of the apron.

Commissioner Morneault asked if there are ADA requirements in the new duplex. Planner Conboy stated that ADA requirements are not required for residential developments.

Commissioner Morneault asked if the City's stormwater analysis met the State's requirements. Planner Conboy stated that the condition of approval can be found on similar projects but cannot say if it is the current state requirement. Commissioner Morneault stated that there is a stormwater manual pertaining to Eastern Washington. Planner Conboy recommended updating the condition to read: the analysis considers the hydrology generated by the required Washington State Stormwater Management Manual.

Chairman Hohensee asked for the existing duplex square footage. The applicant's representative, Tyson Gillard, informed that the existing duplex has 1,536 square feet.

Chairman Hohensee brought attention to section G of the Conditional Use Permit section; he requested clarification on the staff's finding of the second sentence.

“WSMC 17.80.055(G): That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.”

Planner Conboy said that staff interpreted section G as one statement. He stated that one duplex is not seen as detrimental to the public but may set precedence as an accumulative impact of similar actions in the area. He clarified that these are staff’s findings, and it is up to the Planning Commission to determine if they are adequate.

c. Discussion

The Planning Commission discussed the conditional use permit proposal for 415 E Jewett Blvd to add a residential structure to a commercial lot with an existing residential structure.

Commissioner Henry expressed his concern about setting precedence in recognizing short-term rentals as part of the commercial percentage in this scenario. Still, he believes what is being proposed is reasonable and not detrimental.

Commissioner Gilchrist stated he liked the idea of having a covenant on the existing duplex that, if redeveloped, is redeveloped into traditional commercial. He said the idea of putting a high-density building like the one proposed by the applicant between the commercial and residential zone is ideal and is an appropriate use of that area on that lot. Commissioner Stevenson agreed.

Commissioner Stevenson stated that he would like to make it clear that in the future, the existing structure will need to be redeveloped into ‘true’ commercial use and meet the appropriate commercial/residential split. He said he also had concern for the proposed parking, although there is optional on-street parking.

Commissioner Morneault asked if the redevelopment of the existing structure could be placed in a timeframe and be made traditional commercial. Chairman Hohensee clarified that a condition may be placed, but it would have to be now versus later, but understands that if the existing structure would be demolished, it would become a large front yard for a residential structure when the city is attempting to preserve its commercial zone. Planner Conboy clarified that a provision in the city’s code states that any building fronting a commercial street must contribute to a commercial streetscape meaning the ground floor must be commercial retail or service. He noted that the condition intends to bring the existing structure into conformance of the commercial zone, knowing that the city may allow this residential development due to the market forces that have been prior identified.

Chairman Hohensee stated that he has some concerns and does not support infill. He noted that his focus is on Section G, which states *the cumulative impact of similar actions*. He asked if there may be similar actions done that accumulate the impact. He advised to the Planning Commission that when applications get granted, they set precedence. He does not believe short-term rental is a traditional commercial use and not the commercial use put forth by the Planning Commission in the latest comprehensive plan. Chairman Hohensee said he believes this application proposes no commercial, just four residential units in a commercial district with limited parking that

could have an accumulative impact if similar actions were done within the community, regardless of the housing shortage.

Commissioner Henry shares Chairman Hohensee's concerns; short-term rentals should not be viewed as commercial use.

Commissioner Gilchrist suggested outlining if the existing structure was demolished to alleviate concern. He added that he does not consider the proposal to be an apartment house, and doesn't concern that granting this application will affect residential zones. He stated that he appreciated the proposed project as a buffer between the commercial and residential zones while saving the trees on the lot.

Commissioner Stevenson stated that he agreed with Commissioner Gilchrist and didn't believe granting the application would set a precedent for the residential zone. He said that because the city has a general commercial zone that emphasizes traditional commercial, he suggested having two types of commercial zones in the code. He strongly suggested that a condition outlines commercial on the ground floor if the existing structure is redeveloped.

The majority of the Planning Commission agreed that parking in the applicant's area is a serious concern and supports increasing Condition #2 to state six additional off-street parking stalls at the Planner Director's discretion, instead of three, per the codes parking stall standards. The Planning Commission had partial support for pavers to assist in managing stormwater.

Chairman Hohensee requested the word *site* be changed to *parcel* in Condition #3. The Planning Commission specified that in the redevelopment, short-term rentals would not be considered for the purpose of commercial use.

The Planning Commission supported Commissioner's Morneault specific addition to Condition #6, "The Stormwater Analysis is to *comply with the Storm Management Manual for Eastern Washington* and be completed by a qualified Washington Licensed Professional Engineer."

Chairman Hohensee contacted City Attorney Ken Woodrich (via telephone) to clarify if the city could compel traditional redevelopment or public space on this specific parcel. City Attorney Woodrich said that it could not be done as that would be considered a taking. A taking is defined as private property shall not be taken for public use, without just compensation. He also clarified that the city cannot require any specific timeline for redevelopment as the redevelopment proposal will have to meet the current zoning code effect at the time of application.

d. **Motion**

Moved by Seth Gilchrist. Seconded by Michael Morneault.

Motion to approve the request for a Conditional Use Permit for the construction of a 2,561 square foot, 30'-4" tall, three-story residential duplex at 415 E Jewett Boulevard, subject to 7 conditions of approval, as amended. CARRIED 5-0.

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

Conditions as adopted:

1. Prior to submittal of Building Permit application, the applicant shall obtain a variance for encroachment into the required buffer from each heritage tree affecting the proposed duplex.
2. The applicant shall identify a **total of six (6)** parking stall locations **shall be** required to be improved into off-street parking.
3. Redevelopment of the portion of the lot fronting Jewett Boulevard shall be required to bring the overall square footage of the **parcel** into alignment with the requirement for a maximum of 60% residential floor area devoted to residential space, or the most current requirements of the White Salmon Municipal Code at time of application. **Short-term rentals will not be considered for the purpose of commercial use.**
4. Any new structure fronting Jewett Boulevard shall maintain a commercial street frontage at the ground floor level.
5. Short-term rental is not an allowed use within either unit of the duplex subject to this application.
6. Stormwater shall be collected, retained, and disposed of on-site, WSMC 17.48.075(D). A Stormwater/ Erosion Control Plan shall be submitted to the City Planning Department. The plan shall ensure that stormwater run-off from the additional unit does not exceed pre-development rates and shall include appropriate treatment for run-off from impervious areas before discharge to the natural drainage areas of the property. The plan shall provide for individual lot on-site collection, retention, and release to either surface (hydrological) or subsurface (geophysical) receivers. The analysis is to consider the hydrology generated by a 25-year storm event of 15 minutes duration. Lot grading and other stormwater drainage improvements shall be completed before the Certificate of Occupancy. The Stormwater Analysis is to **comply with the Storm Management Manual for Eastern Washington** and be completed by a qualified Washington Licensed Professional Engineer.
7. All materials and flashing shall be non-reflective. At the request of the Planning Director, the applicant shall submit materials for approval at time of Building Permit submittal. Materials shall be of a dark or earth-tone hue.

4. **Proposed Critical Area Ordinance Variance 2021.003**

a. **Public Hearing**

No written comment or spoken testimony was made.

b. **Presentation**

Land-use Planner, Brendan Conboy, presented to the Planning Commission the critical area ordinance variance report.

The subject property, owned by John O'Donnell, is located on Klickitat County Tax Parcel No. 03113012001400. The project consists of the development of a single-family building. The building is in the flatter existing degraded portion of the site, with access from E Jewett Avenue, utilizing the existing approach. Stormwater generated from the project will connect to City storm system and will not discharge into Jewett Creek. The building and parking will be located at least 10-feet from the top of slope (per allowed geotechnical report setback) and at least 30 feet from the Ordinary High-Water Mark (OHWM) of Jewett Creek, at closest extent. The site plan has been designed to avoid

development within the driplines of Oregon White Oak trees and will not require the removal of any trees.

The parcel in question is a 12,756 square foot Two-Family Residential (R-2) zoned lot at the intersection of E Jewett Boulevard Pole Yard Road. The property is located approximately one-half mile east of the main downtown corridor along East Jewett Boulevard. The property is surrounded by a mix of predominantly single-family and multi-family residential properties and proximate to Skyline Hospital.

Per WSMC Section 18.10.125.C, the applicant requests a reasonable use variance, as the standards listed under Chapter 18.10, would deny the applicant's reasonable use of the property. There are no alternatives that avoid encroachment into the 150-foot reduced buffer. The project has been designed to minimize encroachment as much as practicable, with development being located as far away from Jewett Creek as possible, adjacent to E Jewett Avenue and Pole Yard Road.

Recommendation: Staff recommends that the Planning Commission approve the applicant's Critical Area Ordinance Variance, WS-VAR-2021.003, to the required critical area riparian buffer, a reduction from 150 feet to 10 feet for the required minimum geohazard offset, and an encroachment into the required 15' building setback line in the dimensions shown on the attached site plan, for Parcel 03113012001400, subject to sixteen conditions of approval.

The applicant, John O'Donnell, presented to the Planning Commission. He stated he purchased the lot in the early 2000s when he lived across the street, and he intended to remove a single-wide trailer to improve the neighborhood. He said his initial project was to construct a duplex, but given the property's constraints and after speaking with staff, the desire is now for a single-family residence. He added that the proposed mitigation plan would plant 110 new shrubs and trees to minimize any geophysical aspects of the property.

c. **Discussion**

The Planning Commission discussed the critical area ordinance variance proposal for Parcel 03113012001400 to review the riparian buffer reduction from 150 feet to 10 feet and encroach into the required 15 foot building setback line.

Commissioner Henry brought attention to the DNRs classification of streams that places the burden of proof to reclassify or remove said restrictions on the surrounding property owner to the stream.

Commissioner Gilchrist asked staff regarding the implications of the applicant's request when their entire parcel is within the identified riparian buffer. Land-use Planner Conboy clarified that the variance request reduces the 150-ft riparian buffer as discussed and would not affect the surrounding properties.

Commissioner Stevenson asked staff if the proposed 10-ft geo-setback enough to keep the bank's stability intact. Land-use Planner referenced Conditions #16 and 14:

14. *The geotechnical engineer who authored the Geotech study for John O'Donnell will need to provide a current,*

dated stamp documenting that they are a licensed engineer in the State of Washington prior to approval of building permits.

16. *Prior to building permit approval, the applicant shall provide additional information about the load capacity of the site and how the site can accommodate the proposed uses and specific recommendations and best management practices for constructing a single family home or duplex and associated uses on the site in relation to the load capacity.*

Commissioner Morneault asked if the temporary fencing during construction could become permanent. Land-use Planner Conboy stated that based on the site plan submitted and surrounding properties, fencing is not required elsewhere along Jewett Creek.

Commissioner Morneault clarified that the site's stormwater would drain into the city sewer but only noted one connection. Land-use Planner Conboy confirms the property will be connecting to a storm-sewer. Commissioner Morneault asked why the city was not requiring on-site stormwater retention. Land-use Planner Conboy suggested the following condition of approval: At the time of building permit submittal, the applicant has to either tie into the stormwater system or, if it's not adequate, the developer must retain all stormwater onsite.

d. **Motion**

Moved by Seth Gilchrist. Seconded by Tom Stevenson.

Motion approve the request for a variance to the required critical area riparian buffer, a reduction from 50 feet to 10 feet for the required minimum geohazard offset, and an encroachment into the required 15' building setback line in the dimensions shown on the attached site plan, for Parcel 03113012001400, subject to 17 conditions of approval, as amended. CARRIED 5–0.

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

Conditions as adopted:

1. Prior to site disturbance including vegetation removal, the applicant shall post a performance bond or other security measure to the City for completion of any work and mitigation (including long-term monitoring, maintenance, and performance standards) required to comply with this code and any conditions of this report at the time of construction. The bond or security shall be in the amount of 125 percent of the estimated cost of implementing the riparian habitat management plan and mitigation plantings specified in the AKS Critical Areas Study and Habitat Management Plan addendum memo. The bond shall be in the form of an irrevocable letter of credit.
2. As a Condition of Approval, the applicant shall file notice with the City for review and approval of content prior to recording the notice with Klickitat County. The notice shall address all criteria highlighted in WSMC 18.10.119.A.1-3.
3. The applicant shall consent to allow entry by the City or City's agent, during regular business hours, for any inspection purposes relating to the proposed

development activity to ensure accordance with any approved plans and permits of WSMC Chapter 18.10.

4. If a violation occurs and a stop work order has been issued, construction shall not continue until said violation has been corrected and assurances have been put into place that the same or similar violation is not likely to reoccur.
5. If a violation occurs, the City or its agent shall have the power to order complete restoration of the critical area by the party responsible for the violation. If said responsible party does not complete the restoration within a reasonable time following the order, as established by the City, the City or its agent shall restore the affected critical area to the prior condition and the party responsible shall be indebted to the City for the cost of restoration.
6. All undeveloped riparian and steep slope buffers, as well as landslide hazard areas and heritage tree protection areas on site shall be designated as native growth protection easements (NGPE) and recorded on the deed for the property. The NGPE shall state the presence of the critical area and buffer on the properties, the application of the White Salmon Critical Areas Ordinance to the properties, and the fact that limitations on actions in or affecting the critical area or buffer exist. The NGPE shall “run with the land.” Other than the riparian buffer enhancement actions proposed by the applicant in the habitat study/HMP addendum, no other alterations including grading, vegetation clearing, planting of lawns or gardens, or other yard improvements may occur within the NGPE unless another critical areas permit is approved.
7. Temporary fencing shall be placed along the outer perimeter of the riparian buffer, landslide hazard area, steep slope buffer, the disturbed buffer area, and the heritage tree protection area prior to commencement of any permitted development activities. Inspection by the City or its agent shall occur prior to commencement of any permitted development activities. Fencing shall remain throughout construction and shall not be removed until directed by the city or its agent.
8. The applicant and/or developer shall implement the habitat study/HMP, including performance standards, maintenance and monitoring plan, and contingency plan, as detailed in the O’Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
9. A detailed construction plan prior to building permit approval shall incorporate the mitigation and planting specifications, the performance standards, maintenance and monitoring plan, and the contingency plan outlined in the O’Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
10. If a specific deviation or failure occurs that is not covered in the proposed contingency plan, modification measures shall be implemented to address the specific deviation or measure subject to the same monitoring requirements of the original contingency mitigation measures. The modification measures shall be submitted to the City as part of required monitoring plans.
11. Utilities shall not be located outside of the proposed developable area for the lot.
12. With the exception of tightline drainage over the slope, stormwater facilities shall only be allowed in the buildable areas of the lot.
13. No grading, excavation, demolition or construction activity shall occur within the heritage tree protection area. If any grading, excavation, demolition, or construction activity is proposed within any heritage tree protection area, a tree

protection plan shall be prepared in accordance with the applicable guidelines for a critical areas report and habitat management plan per Section 18.10.200 and a critical areas permit shall be obtained, prior to the issuance of any permit for grading or construction in the protection area.

14. The geotechnical engineer who authored the Geotech study for John O'Donnell will need to provide a current, dated stamp documenting that they are a licensed engineer in the State of Washington prior to approval of building permits.
15. Prior to the commencement of any approved building activities, the top of slope shall be flagged and inspected by City staff or a City agent for review and approval.
16. Prior to building permit approval, the applicant shall provide additional information about the load capacity of the site and how the site can accommodate the proposed uses and specific recommendations and best management practices for constructing a single family home or duplex and associated uses on the site in relation to the load capacity.
17. **At the time of building permit submittal, the applicant has to either tie into the stormwater system or, if it's not adequate, the developer must retain all stormwater onsite.**

ADJOURNMENT

The meeting was adjourned at 9:04 p.m.

Greg Hohensee, Chairman



Erika Castro Guzman, Associate Planner



CITY OF WHITE SALMON

MEMORANDUM

Meeting Date:	February 9, 2022	Meeting Title:	Planning Commission
Submitting Department:	Planning Department	Presenter:	Brendan Conboy, Planner
Agenda Item:	Variance – O’Donnell WS-VAR-2022.001	Public Comment:	Yes

Applicant John O’Donnell
 1524 Sherman Ave
 Hood River, OR 97031

Location

The subject property, owned by John O’Donnell is located at the corner of Pole Yard Road and Jewett Boulevard. The parcel’s total square footage is 12,756 square feet (0.293 acres).

Described as Klickitat County parcel and legal description:

Parcel 03113012001400. TL 18Z in NWNE & STREET IRR TRACTS TO WS; 30-3-11

Description of Proposal

The parcel in question is a 12,756 square foot Two Family Residential (R-2) zoned lot at the intersection of Jewett Boulevard Pole Yard Road. The property is located approximately one-half mile east of the main downtown corridor along East Jewett Boulevard. The property is surrounded by a mix of predominantly single-family and multi-family residential properties and proximate to Skyline Hospital.

The project consists of the development of a two-family duplex building. The building is in the flatter existing degraded portion of the site, with access from Jewett Avenue, utilizing the existing approach. Stormwater generated from the project will connect to City storm system and will not discharge into Jewett Creek. The building and parking will be located at least 10-feet from the top of slope (per allowed geotechnical report setback) and at least 30 feet from the Ordinary High-Water Mark (OHWM) of Jewett Creek, at closest extent. The site plan has been designed to avoid development within the driplines of Oregon white oak trees and will not require the removal of any trees.

Per Section 18.10.125.C, the applicant requests a reasonable use variance, as the standards listed under Chapter 18.10 of the City’s code of ordinance, would deny the applicant reasonable use of the property. There are no alternatives that avoid encroachment into the 150-foot reduced buffer. The project has been designed to minimize encroachment as much as practicable, with development being located as far away from Jewett Creek as possible, adjacent to Jewett Avenue and Pole Yard Road.

Zoning

The subject property is zoned Two-Family Residential (R-2). The adjacent zoning to the North and East is General Commercial (C). The adjacent zoning to the South and West is Two-Family Residential (R-2). The Comprehensive Plan designates the property as residential.

100 Main Street PO Box 2139 White Salmon, Washington 98672
Telephone: (509) 493-1133 Web Site: white-salmon.net

Public Notice

Notice of the proposed variance was sent via USPS Mail to property owners of record adjacent to the subject property on January 27, 2022, allowing a minimum ten calendar days to comment in accordance with White Salmon Municipal Code (WSMC) 16.65.060(3)(G). The comment period ends on February 9, 2022.

Notice of the proposed variance was sent via e-mail to affected agencies and City departments on January 26, 2022, allowing a minimum ten calendar days to comment according to WSMC 19.10.120 (A). The comment period ends on February 9, 2022.

Notice was posted on site with two laminated signs, at the library, post office, and bulletin board outside City Hall. Upon the conclusion of the commentary period no letters of commentary had been received.

WHITE SALMON 2040 COMPREHENSIVE PLAN

Environmental Quality and Critical Areas (p. 81):

Critical Areas. *The Washington State Growth Management Act (GMA) requires that all local governments adopt regulations to protect the five “critical areas” in the state; wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas (defined below). Klickitat County and cities within it are not required to fully plan under the GMA but are required to plan for the protection of these critical areas. As a “partially planning” city under GMA, White Salmon must use best available science to justify regulation of critical areas and guide future regulation updates. This includes identifying, designating, and protecting critical areas through a Critical Area Ordinance (CAO) (Revised Code of Washington [RCW] 36.70A). White Salmon’s CAO is included as Chapter 18.10 of the White Salmon Municipal Code and includes development standards and restrictions when building on or near a critical area. Critical areas in White Salmon are shown on the City’s critical areas maps on file at City Hall.*

Fish and Wildlife Habitat Conservation Areas. *The purpose of regulating the use of fish and wildlife habitat conservation areas is to preserve and protect those areas with which anadromous fish, threatened and endangered species, and species of local importance have a primary association. While most of White Salmon’s land areas are designated for urban growth, and while new development as well as redevelopment is encouraged by adopted land use policies, it is important that future growth and development occur in a manner that is sensitive to the natural habitat resources of the city and Urban Exempt Areas. The primary fish and wildlife habitat conservation areas within White Salmon include streams and their riparian areas and Oregon white oak woodlands. Development has presented a particular challenge for the preservation of Oregon white oak woodlands, and the City is looking to balance protection of this species with the need to provide flexibility to developers.*

Policy E/CA-1.8: *Balance resource protection and development objectives in the city and Urban Exempt Area. Allow resources to be impacted or modified and properly mitigated when important objectives are achieved, such as economic development, including the provision of housing and businesses, and public facilities and infrastructure. Solutions may include planned unit developments, cluster housing, low-impact development, and density transfers.*

The variance request meets the intent of the White Salmon's Comprehensive Plan, Environmental Quality and Critical Areas, as the proposed residential development is located on a lot that would not be developable and would deprive reasonable use of the property is the reduced 150' buffer required from Jewett Creek was adhered to.

Analysis

WHITE SALMON VARIANCE PURPOSE AND CRITICAL AREA ORDINANCE

White Salmon Municipal Code (WSMC) Chapter 18.10 Critical Areas Ordinance

WSMC 18.10.113 – Designation of critical areas.

A. The city has designated critical areas by defining their characteristics. The applicant shall determine and the city shall verify, on a case-by-case basis, in accordance with the definitions in this Section 18.10.1[13], whether a critical area exists and is regulated under this chapter, on or in close proximity to, the subject property that would require a setback or buffer required under this chapter.

B. The following resources will assist in determining the likelihood that a critical area exists. These resources may not identify all critical areas and should only be used as a guide. Actual field observations shall supersede information in these resources.

Response: The applicant's Critical Areas consultant has identified the following critical area that have been identified on site, regulated under the White Salmon Municipal Code (WSMC): Fish and Wildlife Habitat Conservation Areas.

According to WDFW's Priority Habitat and Species (PHS) mapping, oak/pine mixed forest, California mountain kingsnake (*Lampropeltis zonata*), mule and black-tailed deer (*Odocoileus hemionus*), and northern spotted owl (*Strix occidentalis*) priority habitats and species potential occurrences are mapped extending on to the site, though no species were identified on site. A senior scientist with AKS conducted a site visit on May 14, 2021, to determine if any of the habitat or species were present on site. The determination was that the California Mountain Kingsnake, Mule/Black-Tailed Deer, and Northern Spotted Owl were not present on site due to limited habitats for these species.

Oregon White Oak woodlands are considered a priority habitat by WDFW if the Oak canopy coverage within a strand of trees is greater than or equal to 25 percent. Site observations by the scientist observed small to medium diameter Oak trees with full canopies along the eastern and southern site boundaries. The applicant submitted an addendum memo to the submitted habitat study/HMP for the project that identified Oak trees on site and their associated drip lines (Exhibit B). Oregon White Oaks with trunk diameters greater than 14 inches are considered heritage trees in White Salmon (WSMC 18.10.317) and require tree protection areas equal to 10 times the trunk diameter of the tree or the average diameter of the area enclosed within the outer edge of the drip line of the canopy, whichever is greater. The protection areas are noted on the Habitat Management Plan included in the memo and all proposed building areas are outside of these protection areas as well as the heritage tree driplines.

MEMORANDUM

Jewett Creek is located east of the site, at the bottom of a steep (nearly vertical) sided ravine. Jewett Creek is a fish-bearing (Type F) water, which requires a standard 200-foot riparian buffer per WSMC 18.10.312. While the site is separated from Jewett Creek by the steep slope, the 200-foot buffer area still encompasses most of the site.

The variance application proposes to construct a duplex on the site. To account for the riparian buffer area on site, the applicant is requesting a buffer reduction to 150-feet (25 percent), in accordance with WSMC 18.10.313.C.3, to the whole site. Even with the buffer reduction, the riparian buffer still encompasses most of the site. As such, the applicant is requesting a variance in accordance with WSMC 18.10.125.D to allow for (1) encroachment into the reduced buffer by the future residential development and (2) encroachment within the building set back line (18.10.212), which requires a 15-foot building setback from the edge of the buffer. The proposed buffer reduction and variance are addressed in detail in those sections of this report.

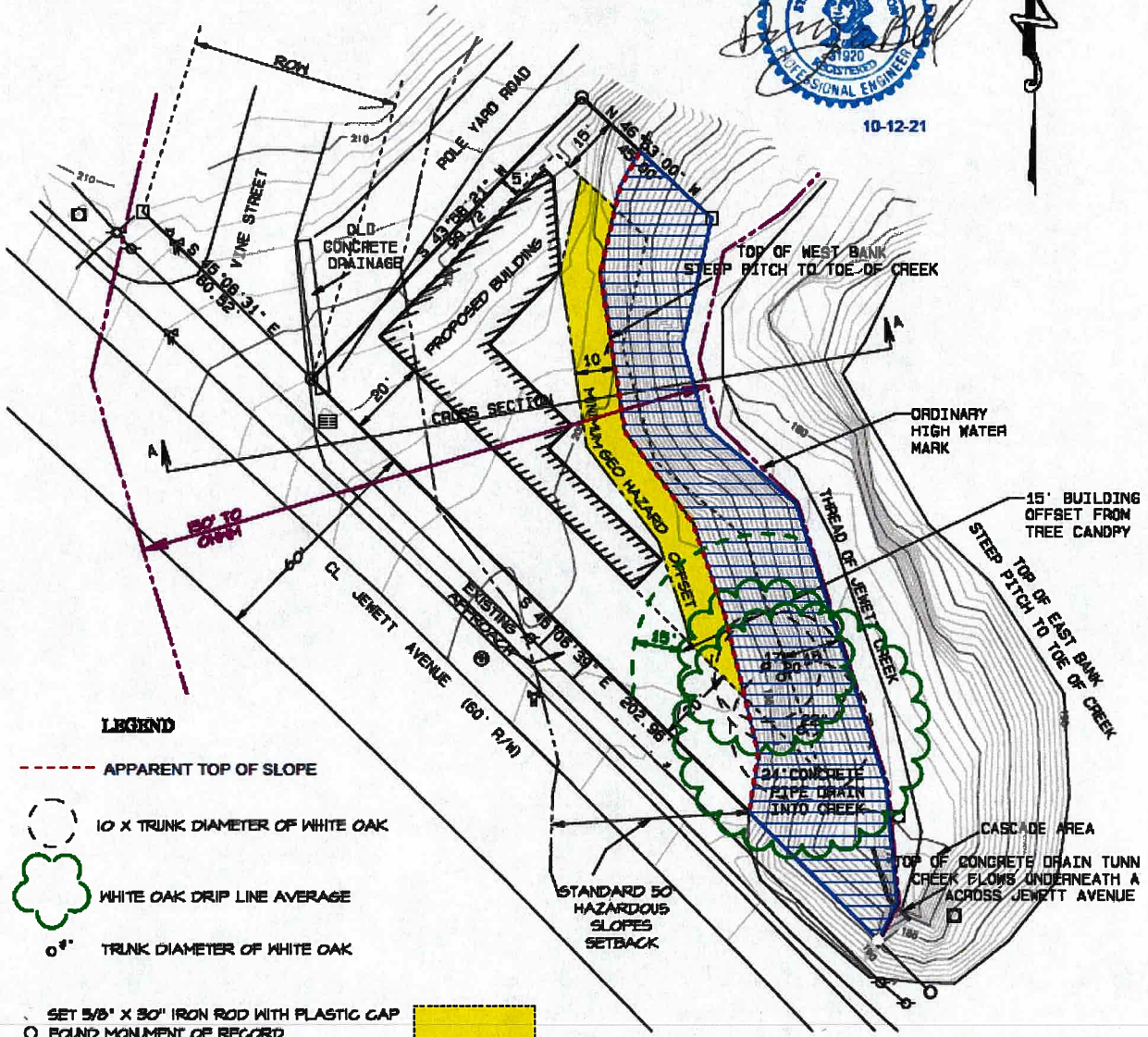
The outer eastern, southern, and southwestern portions of the parcel are located in the 15 to 40 percent slope range and greater than 40 percent range. White Salmon considers steep slopes as landslide hazards (WSMC 18.10.411), which require a minimum buffer from the edge of the hazard equal to the height of the slope or 50 feet, whichever is greater (WSMC 18.10.414). The applicant is requesting a buffer reduction to 10 feet, in accordance with WSMC 18.10.414.C. Geologic hazards are discussed further in that section of this report. See Figure 1 below for detail.

PROPOSED SINGLE FAMILY BUILDING ENVELOPE

PARCEL#03113012001400 LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KLUCKITAT COUNTY, WASHINGTON



10-12-21



- LEGEND**
- - - - - APPARENT TOP OF SLOPE
 - 10 X TRUNK DIAMETER OF WHITE OAK
 - ☼ WHITE OAK DRIP LINE AVERAGE
 - 6" TRUNK DIAMETER OF WHITE OAK
 - ▽ SET 5/8" X 30" IRON ROD WITH PLASTIC CAP
 - FOUND MONUMENT OF RECORD
 - CALCULATED, NOT FOUND OR SET
 - DEED OR PLAT CALL
 - ⊙ SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - GEO HAZARD OFFSET ZONE

ORIGINAL SCALE 1"=30'

WSMC 18.10.114 – Applicability.

B. The city of White Salmon shall not approve any development proposal or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a critical area or associated buffer, without first assuring compliance with the requirements of this chapter.

C. Development proposals include proposed activities that require any of the following, or any subsequently adopted permits or required approvals not expressly exempted from these regulations [...]

Response: This report reviews the proposed application as it pertains to critical areas and its consistency with the purpose and requirements of Chapter WSMC 18.10, Critical Areas Ordinance. This critical areas review is associated with the proposed O'Donnell application (WSVAR-2022-001).

WSMC 18.10.116 – Submittal requirements.

In addition to the information required for a development permit, any development activity subject to the provisions of this chapter may be required to submit a critical areas report as described under Section 18.10.200 General Provisions. These additional requirements shall not apply for an action exempted in Section 18.10.125.

Response: Critical areas reports for geologic hazards and fish and wildlife habitat conservation areas, including a habitat study/HMP and addendum memo, were submitted with the application and are reviewed in this report.

WSMC 18.10.117 – Bonds of performance security.

A. Prior to issuance of any permit or approval which authorizes site disturbance under the provisions of this chapter, the city shall require performance security to assure that all work or actions required by this chapter are satisfactorily completed in accordance with the approved plans, specifications, permit or approval conditions, and applicable regulations and to assure that all work or actions not satisfactorily completed will be corrected to comply with approved plans, specifications, requirements, and regulations to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the health safety and general welfare of the public.

B. The city shall require the applicant to post a performance bond or other security in a form and amount acceptable to the city for completion of any work required to comply with this code at the time of construction. If the development proposal is subject to mitigation, the applicant shall post a performance bond or other security in a form and amount deemed acceptable by the city to cover long term monitoring, maintenance, and performance for mitigation projects to ensure mitigation is fully functional for the duration of the monitoring period.

C. The performance bond or security shall be in the amount of one hundred twenty-five percent of the estimated cost of restoring the functions and values of the critical area at risk.

D. The bond shall be in the form of irrevocable letter of credit guaranteed by an acceptable financial institution, with terms and conditions acceptable to the city or an alternate instrument or technique found acceptable by the city attorney.

MEMORANDUM

E. Bonds or other security authorized for mitigation by this section shall remain in effect until the city determines, in writing, that the standards bonded have been met. Bonds or other security for required mitigation projects shall be held by the city for a minimum of five years to ensure that the mitigation project has been fully implemented and demonstrated to function. The bond may be held for longer periods upon written finding by the city that it is still necessary to hold the bond to ensure the mitigation project has meet all elements of the approved mitigation plan.

F. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the law or condition.

H. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

Response: As a Condition of Approval, prior to site disturbance including vegetation removal, the applicant shall post a performance bond or other security measure to the City for completion of any work and mitigation (including long-term monitoring, maintenance, and performance standards) required to comply with this code and any conditions of this report at the time of construction. The bond or security shall be in the amount of 125 percent of the estimated cost of implementing the riparian habitat management plan and mitigation plantings specified in the AKS Critical Areas Study and Habitat Management Plan addendum memo. The bond shall be in the form of an irrevocable letter of credit.

WSMC 18.10.118 – Native growth protection easement/critical area tract.

A. As part of the implementation of approved development applications and alterations, critical areas and their buffers that remain undeveloped pursuant to this chapter, in accordance with the Section 18.10.200 General Provisions shall be designated as native growth protection easements (NGPE). Any critical area and its associated buffer created as compensation for approved alterations shall also be designated as an NGPE.

B. When the subject development is a formal subdivision, short subdivision (short plat), binding site plan, site plan/design review, master site plan, or planned unit development (PUD), critical areas and their buffers shall be placed in a critical areas tract in addition to being designated as a NGPE, as described in the Section 18.10.200, General Provisions, of these regulations.

C. The requirement that a critical area tract be created may be waived by the city if it is determined that all or the critical majority of a NGPE will be contained in a single ownership without creation of a separate tract.

Response: Staff finds that the requirement that a critical area tract be created shall be waived by the city as it is determined that all or the critical majority of a NGPE will be contained in a single ownership without creation of a separate tract.

WSMC 18.10.119 - Notice on title.

A. To inform subsequent purchasers of real property of the existence of critical areas the owner of any real property containing a critical area or buffer on which a development proposal is submitted and approved shall file a notice with the city for review and approval as to form and content prior to recording the notice with the county.

The notice shall state:

- 1. The presence of the critical area or buffer on the property;*
- 2. The use of this property is subject to the "Title"; and*
- 3. That limitations on actions in or affecting the critical area and/or buffer may exist.*

The notice shall run with the property and will be required whether the critical area is kept in a single ownership or is isolated in a separate critical area tract.

C. The applicant shall submit proof that the notice has been filed for public record prior to building permit approval or prior to recording of the final plat in the case of subdivisions.

Response: As a Condition of Approval, the applicant shall file notice with the City for review and approval of content prior to recording the notice with Klickitat County. The notice shall address all criteria highlighted in WSMC 18.10.119.A.1-3.

WSMC 18.10.120 - Inspection and right of entry.

The city or its agent may inspect any development activity to enforce the provisions of this chapter. The applicant consents to entry upon the site by the city or its agent during regular business hours for the purposes of making reasonable inspections to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans and permits and requirements of this chapter.

Response: As a Condition of Approval, the applicant shall consent to allow entry by the City or City's agent, during regular business hours, for any inspection purposes relating to the proposed development activity to ensure accordance with any approved plans and permits of WSMC Chapter 18.10.

WSMC 18.10.121 - Enforcement.

A. The provisions of White Salmon Municipal Code shall regulate the enforcement of these critical areas regulations.

B. Adherence to the provisions of this chapter and/or to the project conditions shall be required throughout the construction of the development. Should the city or its agent determine that a development is not in compliance with the approved plans, a stop work order may be issued for the violation.

C. When a stop work order has been issued, construction shall not continue until such time as the violation has been corrected and that the same or similar violation is not likely to reoccur.

D. In the event of a violation of this chapter, the city or its agent shall have the power to order complete restoration of the critical area by the person or agent responsible for the violation. If such responsible person or agent does not complete such restoration within a reasonable time following the order, the city or its agent shall have the authority to restore the affected critical area to the prior condition wherever possible and the person or agent responsible for the original violation shall be indebted to the city for the cost of restoration.

Response: As a Condition of Approval, if a violation occurs and a stop work order has been issued, construction shall not continue until said violation has been corrected and assurances have been put into place that the same or similar violation is not likely to reoccur.

As a Condition of Approval, if a violation occurs, the City or its agent shall have the power to order complete restoration of the critical area by the party responsible for the violation. If said responsible party does not complete the restoration within a reasonable time following the order, as established by the City, the City or its agent shall restore the affected critical area to the prior condition and the party responsible shall be indebted to the City for the cost of restoration.

WSMC 18.10.125 - Exceptions.

D. Variance Criteria to Provide Reasonable Use. Where avoidance of the impact in wetlands, streams, fish and wildlife habitat and critical aquifer recharge areas is not possible, a variance may be obtained to permit the impact. Variances will only be granted on the basis of a finding of consistency with all the criteria listed below. The hearing examiner shall not consider the fact the property may be utilized more profitably.

Variances to required Critical Area Ordinance buffers and setbacks regarding wetlands, streams, fish and wildlife habitat and critical aquifer recharge areas is administered Per WSMC 18.10.125.C.

1. *The variance shall not constitute a grant of special privilege inconsistent with the limitation on use of other properties similarly affected by the code provision for which a variance is requested;*

Finding: The property is zoned R-2 and the applicant intends to construct a modest sized (+/- 2,214 square foot total footprint building) duplex, an allowed use within the zone. A variance to the buffer from Jewett Creek does not constitute a special privilege inconsistent with the limitation on use of other properties similarly affected.

2. *That such variance is necessary to provide reasonable use of the property, because of special circumstances and/or conditions relating to the size, shape, topography, sensitive areas, location, or surroundings of the subject property, to provide it with those relative rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located. The phrase "relative rights and privileges" is to ensure that the property rights and privileges for the subject property are considered primarily in relation to current city land-use regulations;*
3. *That the special conditions and/or circumstances identified in subsection 2 of this section giving rise to the variance application are not self created conditions or circumstances;*

Finding: The parcel was created prior to the establishment of Chapter 18.10 of the WSMC. The buffer restriction is not a self-created condition and not the fault of the applicant. Without a

variance the applicant would be deprived of the relative rights and privileges permitted to other properties in the vicinity and R-2 zone.

4. *That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property, neighborhood, or improvements in the vicinity and zone in which subject property is situated;*

Finding: The property on the opposite side of Jewett Creek (to the east) has a structure which are located less than 150 feet from Jewett Creek (Parcel 03113077050100). The Klickitat PUD has impervious area (gravel, staging, etc.) immediately above the top of slope to the north of the Applicant's property. Many properties in the immediate vicinity contain residential development and this project is not likely to be detrimental to the welfare of the neighborhood or general public. Allowing a variance for this project would not constitute a grant of special privilege to the Applicant. A residence was formerly present on this property. A habitat management buffer enhancement mitigation plan consistent with Section 18.10.221 of WSMC is proposed to adequately mitigate for reduced buffer width. The habitat mitigation plan includes enhancement of the remaining riparian buffer, including preservation of remaining habitat in a conservation easement. Therefore, the project is consistent with required variance criteria identified in WSMC 18.10.125.D to allow for reasonable use of the property.

5. *That the reasons set forth in the application and the official record justify the granting of the variance, and that the variance is the minimum variance necessary to grant relief to the applicant;*

Finding: The variance requested is the minimum variance necessary to grant relief to the applicant. The applicant has situated the building footprint within an existing degraded portion of the site which is already flat due to a previous structure that used to occupy the site which has been removed by the applicant. Stormwater generated from the project will connect to City storm system and will not discharge into Jewett Creek. The building and parking will be located at least 10-feet from the top of slope (per allowed geotechnical report setback) and at least 30 feet from the OHWM of Jewett Creek, at closest extent. The site plan has been designed to avoid development within the driplines of Oregon white oak trees and will not require the removal of any trees.

6. *That alternative development concepts in compliance with applicable codes have been evaluated, and that undue hardship would result if strict adherence to the applicable codes is required; and*

Finding: The applicant has worked with the Planning Department to site the proposed building envelope in such a manner as to minimize impacts to the rest of the site and to appropriately accommodate access and parking.

7. *That the granting of the variance will not adversely affect implementation of the comprehensive plan or policies adopted thereto and the general purpose and intent of the zoning title or other applicable regulations.*

Finding: The granting of the variance will not adversely affect the implementation of the comprehensive plan or policies adopted thereto. The variance request meets the intent of the

White Salmon's Comprehensive Plan, Environmental Quality and Critical Areas, as the proposed residential development is located on a lot that would not be developable and would deprive reasonable use of the property is the reduced 150' buffer required from Jewett Creek was adhered to.

8. *WDFW will be notified of any proposed variance to critical areas affecting fish and wildlife sites and habitat areas. The city may require the applicant to demonstrate that WDFW is not willing or able to acquire the property before a variance to fish and wildlife, stream, or wetland conservation areas is approved.*

Finding: WDFW has been notified of the proposed variance. The city has not requested WDFW to consider acquisition of the property. A mitigation plan is required and was submitted with the application materials. The mitigation plan and relevant conditions of approval are addressed in Section 18.10.221.

WSMC 18.10.210 – General approach.

Protection of critical areas shall observe the following sequence, unless part of a restoration plan for a significantly degraded wetland or stream buffer, described under [Section 18.10.211], below:

A. Confirm presence and continued function of critical areas. Information about type and location of identified fish and wildlife conservation areas is the most frequently updated information affecting the city. Fish and wildlife inventory maps also contain sensitive information and will not be provided for broad public review. The city will work with the regional WDFW representative to confirm the presence or absence of significant fish and wildlife conservation areas. Timely response by WDFW is expected in accordance with Section 18.10.113;

B. Avoid the impact by refraining from certain actions or parts of an action;

C. Where impact to critical areas or their buffers will not be avoided the applicant shall demonstrate that the impact meets the criteria for granting a variance or other applicable exception as set forth in Sections 18.10.124 and 18.10.125;

D. Minimize the impacts by limiting the degree or magnitude of the action by using affirmative steps to avoid or reduce impacts or by using appropriate technology;

E. Rectify the impact by repairing, rehabilitating, or restoring the affected environment;

F. Reduce or eliminate the impact over time by preservation and maintenance operations;

G. Compensate for the impacts by creating, replacing, enhancing, or providing substitute resources or environments.

Response: The applicant has hired experts to study the fish and wildlife habitat conservation areas on site and to compile reports for these critical areas, which have been included in the application package. As previously discussed, the applicant is requesting a variance for unavoidable impacts into a riparian buffer and building setback; staff has recommended approval of this variance. To mitigate for this impact, the applicant has minimized the degree of the impact by locating proposed development as far west on the site as possible and by compensating through proposed buffer enhancement and a habitat management plan, including performance standards, maintenance, and monitoring (detailed later in this report).

WSMC 18.10.211 – Buffers.

E. Reducing Buffers. The city or its agent may reduce up to twenty-five percent of the critical area buffer requirement unless otherwise stipulated elsewhere in this regulation subject to a critical area study which finds:

- 1. The applicant has demonstrated avoidance, minimization of impact, and lastly mitigation of impact in that order;*
- 2. The proposed buffer reduction shall be accompanied by a mitigation plan per [Section 18.10.211] that includes enhancement of the reduced buffer area;*
- 3. The reduction will not adversely affect water quality or disrupt a significant habitat area; and*
- 4. The reduction is necessary for reasonable development of the subject property.*

Response: The applicant is proposing to reduce the riparian stream buffer on site by 25 percent, from 200 feet to a maximum of 30 feet from the OHWM of Jewett Creek. The applicant has submitted a Habitat Management Plan amendment which proposes offsetting the encroachment into the buffer by enhancing undeveloped portions of the buffer. As previously mentioned, the buffer area on the site is limited as a habitat area and the buffer reduction is necessary for reasonably developing the lot. Water quality and buffer enhancement are discussed elsewhere in this report.

WSMC 18.10.212 – Building set back line (BSBL).

Unless otherwise specified, a minimum BSBL of fifteen feet is required from the edge of any buffer, NGPE, or separate critical area tract, whichever is greater.

Response: Due to the constraints on site previously mentioned, the applicant cannot comply with the required 15-foot building setbacks from the reduced riparian buffer and has therefore requested a variance to encroach in this setback. Compliance with variance standards under WSMC is outlined above.

WSMC 18.10.213 – Land division and property line adjustment.

A. Subdivisions, short subdivisions, boundary line adjustments and planned residential developments of land in or adjacent to critical areas and associated buffers are subject to the following:

C. Land that is partially within a wetland or stream critical area or associated buffer area may be subdivided or the boundary line adjusted provided that an accessible and contiguous portion of each new or adjusted lot is:

- 1. Located outside the critical area and buffer; and*
- 2. Large enough to accommodate the intended use.*

Response: The applicant does not intend to divide the property.

WSMC 18.10.214 – Native growth protection easements.

A. As part of the implementation of approved development applications and alterations, critical areas and their buffers shall remain undeveloped and shall be designated as native growth protection easements (NGPE). Where a critical area or its buffer has been altered on the site prior to approval of the development proposal, the area altered shall be restored using native plants and materials.

B. The native growth protection easement (NGPE) is an easement granted to the city for the protection of a critical area and/or its associated buffer. NGPEs shall be required as specified in these rules and shall be recorded on final development permits and all documents of title and with the county recorder at the applicant's expense. The required language is as follows:

"Dedication of a Native Growth Protection Easement (NGPE) conveys to the public a beneficial interest in the land within the easement. This interest includes the preservation of existing vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The NGPE imposes upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public of the city of White Salmon, to leave undisturbed all trees and other vegetation within the easement. The vegetation in the easement may not be cut, pruned, covered by fill, removed, or damaged without express permission from the city of White Salmon, which permission must be obtained in writing."

Response: The site includes undeveloped riparian and steep slopes buffers, and landslide hazard areas. Additionally, each heritage tree on site requires a protection area, generally protected under heritage tree protection easements (HTPEs) WSMC 18.10.317.E.5. Rather than having two types of easements on site for critical areas protection (NGPEs and HTPEs), staff believes that all areas that require protection can be covered under a NGPE, which will encompass riparian and steep slopes buffers, landslide hazard areas, and heritage tree protection areas on site.

As a Condition of Approval, all undeveloped riparian and steep slope buffers, as well as landslide hazard areas and heritage tree protection areas on site shall be designated as native growth protection easements (NGPE) and recorded on the deed for the property. The NGPE shall state the presence of the critical area and buffer on the properties, the application of the White Salmon Critical Areas Ordinance to the properties, and the fact that limitations on actions in or affecting the critical area or buffer exist. The NGPE shall "run with the land." Other than the riparian buffer enhancement actions proposed by the applicant in the habitat study/HMP addendum, no other alterations including grading, vegetation clearing, planting of lawns or gardens, or other yard improvements may occur within the NGPE unless another critical areas permit is approved.

WSMC 18.10.216 – Marking and/or fencing.

A. Temporary Markers. The outer perimeter of a wetland, stream, fish and wildlife conservation areas, steep slopes and their associated buffer and the limits of these areas to be disturbed pursuant to an approved permit or authorization shall be marked in the field in a manner approved by the city so no unauthorized intrusion will occur. Markers or fencing are subject to inspection by the city or its agent or his designee prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until directed by the city or its agent, or until permanent signs and/or fencing, if required, are in place.

B. Permanent Markers. Following the implementation of an approved development plan or alteration, the outer perimeter of the critical area or buffer that is not disturbed shall be permanently identified. This identification shall include permanent wood or metal signs on treated wood or metal posts, or affixed to stone boundary markers at ground level. Signs shall be worded as follows:

CRITICAL AREA BOUNDARY

"Protection of this natural area is in your care. Alteration or disturbance is prohibited. Please call the city of White Salmon for more information. Removal of this sign is prohibited."

C. Sign Locations. The city or its agent shall approve sign locations during review of the development proposal. Along residential boundaries, the signs shall be at least four inches by six inches in size and spaced one per centerline of lot or every seventy-five feet for lots whose boundaries exceed one hundred fifty feet. At road endings, crossings, and other areas where public access to the critical area is allowed, the sign shall be a minimum of eighteen inches by twenty-four inches in size and spaced one every seventy-[five] feet. Alternate sign type and spacing may be approved by the city if the alternate method of signage is determined to meet the purposes of this section.

D. Permanent Fencing. The city or its agent shall require permanent fencing where there is a substantial likelihood of the intrusion into the critical area with the development proposal. The city or its agent shall also require such fencing when, subsequent to approval of the development proposal; intrusions threaten conservation of critical areas. The city or its agent may use any appropriate enforcement actions including, but not limited, to fines, abatement, or permit denial to ensure compliance. The fencing may provide limited access to the stream or wetland but shall minimize bank disturbance.

Response: As a Condition of Approval, temporary fencing shall be placed along the outer perimeter of the riparian buffer, landslide hazard area, steep slope buffer, disturbed buffer area, and heritage tree protection area prior to commencement of any permitted development activities. Inspection by the City or its agent shall occur prior to commencement of any permitted development activities. Fencing shall remain throughout construction and shall not be removed until directed by the city or its agent.

WSMC 18.10.217 – Critical areas reports/studies.

A. Timing of Studies. When an applicant submits an application for any development proposal, it shall indicate whether any critical areas or buffers are located on or adjacent to the site. The presence of critical areas may require additional studies and time for review. However, disclosure of critical areas early will reduce delays during the permit review process. If the applicant should disclose there are no known critical areas, further studies may be required for verification.

B. Studies Required.

4. Critical area reports shall be written by a qualified professional, as defined in the definitions section of this chapter. A critical areas report shall include all information required pursuant to Section 18.10.217.[C], below. A monitoring and maintenance program shall be required to evaluate the effectiveness of mitigating measures.

Response: A critical area report by a qualified professional was submitted for this application, studying fish and wildlife habitat conservation areas.

C. General Critical Areas Report Requirements.

1. A critical areas report shall have three components: a) a site analysis, b) an impact analysis, and c) proposed mitigation measures. More or less detail may be required for each component depending on the size of the project, severity, and potential impacts. The city or its agent may waive the requirement of any component when adequate information is otherwise available.

2. In addition to the specific requirements specified under each critical area, all studies shall contain the following information unless it is already available in the permit application [...]

Response: The habitat study/HMP and addendum contains a site analysis, impact analysis, and proposed mitigation measures. No geotechnical impacts are expected.

WSMC 18.10.218 – Mitigation timing.

The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the critical area. For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways or other mowed or paved areas. Mitigation shall be completed immediately following disturbances and prior to use or occupancy of the activity or development, or when seasonally appropriate. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and water quality.

Response: Riparian buffer enhancement is proposed on the north and south of the lot to offset the disturbed buffer area. The existing buffer in this area is described as being in a “degraded condition”, as it lacks tree canopy and vegetation, providing minimal habitat function opportunities to Jewett Creek. The existing site is dominated by nonnative grasses and forbs, according to the habitat study/HMP. The applicant has submitted a planting plan as part of the habitat study/HMP addendum.

WSMC 18.10.219 – General mitigation requirements.

The following section provides general mitigation requirements applicable to alteration of critical areas. Additional specific mitigation requirements are found under the sections for the particular type of critical area.

C. Compensation. The goal of compensation is no net loss of critical area/or buffer functions on a development site. Compensation includes replacement or enhancement of the critical area or its buffer depending on the scope of the approved alteration and what is needed to maintain or improve the critical area and/or buffer functions. Compensation for approved critical area or buffer alterations shall meet the following minimum performance standards and shall occur pursuant to an approved mitigation plan:

1. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the created, restored, or enhanced critical area. For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways and other mowed or paved areas.

2. On-site and In-kind. Unless otherwise approved, all critical area impacts shall be compensated for through restoration or creation of replacement areas that are in-kind, on-site, and of similar or better critical area category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success.

6. Critical Area Enhancement as Mitigation.

a. Impacts to critical areas may be mitigated by enhancement of existing significantly degraded critical areas only after a 1:1 minimum acreage replacement ratio has been satisfied. Applicants proposing to enhance critical areas must produce a critical areas report that identifies how enhancement will increase the functions and values of the degraded critical areas and how this increase will adequately mitigate for the loss of critical area function at the impact site.

b. At a minimum, enhancement acreage, provided after a 1:1 replacement ratio has been satisfied, shall be double the acreage required for creation acreage under the "on-site" compensation section specified under each critical area. The ratios shall be greater than double the required acreage when the enhancement proposal would result in minimal gain in the performance of critical area functions currently provided in the critical area.

Response: Enhancement to a portion of the remaining on-site degraded condition riparian buffer with native tree and shrub plantings is proposed to offset the riparian buffer encroachment. Enhancement will consist of installing a total of 100 native shrubs (including within the understory of the existing Oregon white oak canopy) and 10 additional Oregon white oak trees within a +/-4,838 square foot area adjacent to Jewett Creek. The proposed enhancement area exceeds the minimum 1:1 ratio required in 18.10.219 of WSMC. The riparian buffer area will be fully vegetated with native vegetation and not contain lawn or other mowed or paved areas.

The planting area will provide an increase in habitat functions and values over the existing "degraded" habitat. The existing condition of the enhancement area consists of a canopy of some Oregon white oak trees, but the understory generally lacks woody vegetation and structural diversity. A detailed planting plan includes a list of species and quantities to be installed and specific planting instructions.

The riparian area enhancement area will be protected from future development through designation within a Native growth protection easement (NGPE), in accordance with Section 18.10.214 of WSMC. As a Condition of Approval, the applicant and/or developer shall implement the habitat study/HMP, including performance standards, maintenance and monitoring plan, and contingency plan, as detailed in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.

WSMC 18.10.221 - Mitigation plans

C. At a minimum, the following components shall be included in a complete mitigation plan:

- 1. Baseline Information. Provide existing conditions information for both the impacted critical areas and the proposed mitigation site as described in "General critical area report requirements" and "Additional report requirements" for each critical area.*
- 2. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:*

a. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completing site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and

b. A review of the best available science supporting the proposed mitigation.

D. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained and whether or not the requirements of this chapter have been met. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.

E. Detailed Construction Plan. These are the written specifications and descriptions of mitigation technique. This plan should include the proposed construction sequencing, grading and excavation details, erosion and sedimentation control features, a native planting plan, and detailed site diagrams and any other drawings appropriate to show construction techniques or anticipated final outcome.

F. Monitoring and/or Evaluation Program. The mitigation plan shall include a program for monitoring construction of the compensation project, and for assessing a completed project, as detailed under [Section 18.10.222,] below.

G. Contingency Plan. This section identifies potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates projected performance standards have not been met.

Response: A habitat study/HMP was submitted with the application package to account for the encroachment into the riparian buffer. The habitat study/HMP describes existing conditions and critical areas on site, as well as performance standards, maintenance and monitoring plans, and a contingency plan (see below). The addendum describes impacts to critical areas, proposed buffer enhancement to offset these impacts, and planting specifications for the buffer enhancements. The report was composed by a qualified senior scientist and natural resource specialist from AKS. Staff finds that replanting impacted riparian buffers is a common compensatory mitigation method widely used and supported by best available science. No construction is proposed at this time; therefore, no detailed construction plans are included in mitigation plan.

As a Condition of Approval, a detailed construction plan prior to building permit approval shall incorporate the mitigation and planting specifications outlined in the addendum to the habitat study/HMP, dated May 25, 2021.

The following performance standards, monitoring and maintenance plan, and contingency plan are proposed in the habitat study/HMP:

Performance Standards

Enhancement plantings should achieve survival of 90 percent in Year 1 (following the first growing season) and at least 80 percent survival in Years 2 through 5.

Maintenance and Monitoring Plan

MEMORANDUM

Plantings will be maintained and monitored for a minimum of five growing seasons following plant installation. The enhancement area is to be monitored annually by the Applicant between June 1 and September 30 in Years 1, 2, 3, and 5. Monitoring will consist of a count of live and deceased plantings at select plot locations, observations of wildlife use of the enhancement area, maintenance needs, and representative photographs taken across enhancement areas to document mitigation compliance (Section 18.10.222 of WSMC).

Annual reporting should be conducted by the Applicant and should include a brief memorandum with photographs of the planting area and a discussion of the number of living plants, maintenance actions (irrigation, invasive plant control), and corrective actions (replanting, mulching) that occurred during the monitoring year. Success will be achieved when monitoring results indicate that performance standards are being met at the end of the five year monitoring period. Monitoring reports will be submitted to the City by November 1 following the growing seasons of Years 1, 2, 3, and 5.

Routine maintenance of the site is necessary to ensure the integrity and success of enhancement plantings. If mortality occurs, the factor likely to have caused mortality of the plantings is to be determined and corrected if possible. Any dead plants shall be replaced and other corrective measures, such as species substitutions, mulching or irrigation, should be implemented as needed.

Contingency Plan

The Applicant will be the responsible party for the implementation of management activities during the monitoring period, including any corrective measures taken when monitoring indicates project performance standards are not being met. Specific maintenance and management activities will be identified based on the results of each annual monitoring visit. Contingency measures may include additional or substitute plantings, irrigation, browse protection, or other measures developed to ensure success of the mitigation project.

The standards of this section are met.

WSMC 18.10.222 – Monitoring

A. The city will require long-term monitoring of development proposals where alteration of critical areas or their buffers are approved. Such monitoring shall be an element of the required mitigation plan and shall document and track impacts of development on the functions and values of critical areas, and the success and failure of mitigation requirements. Monitoring may include, but is not limited to [...]

Response: The applicant is proposing to count live and deceased plantings at select plot locations, observe wildlife use of the enhancement area, maintenance needs, and representative photograph taking across enhancement areas to document mitigation compliance. Plantings will be maintained and monitored for a minimum of five growing seasons following plant installation. The enhancement area is to be monitored annually by the applicant.

WSMC 18.10.223 - Contingencies/adaptive management

When monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action. Contingency plans developed as part of the original mitigation plan shall apply, but may be modified to address a specific deviation or failure. Contingency plan measures shall be subject to the monitoring requirement to the same extent as the original mitigation measures.

Response: As mentioned, the applicant has a contingency plan for plantings and a condition has been made that requires the applicant/developer to follow that plan.

As a Condition of Approval, if a specific deviation or failure occurs that is not covered in the proposed contingency plan, modification measures shall be implemented to address the specific deviation or measure subject to the same monitoring requirements of the original contingency mitigation measures. The modification measures shall be submitted to the City as part of required monitoring plans.

WSMC 18.10.224 - Habitat management plans

A habitat management plan shall be required by the city when the critical area review of a development proposal determines that the proposed activity will have an adverse impact on wetland, stream, and fish and wildlife habitat conservation area critical areas.

A. A habitat management plan, prepared by a qualified biologist in consultation with WDFW, shall address the following mitigation measures:

- 1. Reduction or limitation of development activities within the critical area and buffers;*
- 2. Use of low impact development techniques or clustering of development on the subject property to locate structures in a manner that preserves and minimizes the adverse effects to habitat areas;*
- 3. Seasonal restrictions on construction activities on the subject property;*
- 4. Preservation and retention of habitat and vegetation on the subject property in contiguous blocks or with connection to other habitats that have a primary association with a listed species;*
- 5. Establishment of expanded buffers around the critical area;*
- 6. Limitation of access to the critical area and buffer; and*
- 7. The creation or restoration of habitat area for listed species.*

Response: A habitat study/HMP and addendum were submitted with the application package to account for the encroachment into the riparian buffer

WSMC 18.10.300 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS.

18.10.311 - Designation.

A. For purposes of these regulations fish and wildlife conservation areas are those habitat areas that meet any of the following criteria:

- 1. Documented presence of species listed by the federal government or the state of Washington as endangered, threatened, and sensitive species; or*

2. Sites containing and located within three hundred feet of habitat for priority habitat species as listed and mapped by WDFW including: [...]
3. Priority habitats mapped by WDFW including: [...]
4. All streams which meet the criteria for streams set forth in WAC 222-16-030 and based on the interim water typing system in WAC 222-16-031.
5. Heritage tree sites.

B. All areas within the city meeting one or more of the above criteria, regardless of any formal identification, are designated critical areas and are subject to the provisions of this chapter. The approximate location and extent of known fish and wildlife habitat conservation areas are shown on the critical area maps kept on file at the city. Wildlife data is sensitive, changes, and protection requirements vary depending on specific site and area characteristics. WDFW will be consulted to verify the presence of critical habitat areas. Access to the maps will be limited to a need to know basis for individual project proposals, due to the sensitivity of the information in the maps.

Response: According to the WDFW PHS mapping tool, the California Mountain Kingsnake, Mule/Black-Tailed Deer, and Northern Spotted Owl, all priority species, may exist on site. A senior scientist with AKS conducted a site visit on May 14, 2021, and determined that none of these species were present due to limited habitat conditions.

Jewett Creek is located east of the site, at the bottom of a steep sided ravine. Jewett Creek is a fish-bearing (Type F) water, which requires a standard 200-foot riparian buffer per WSMC 18.10.312.

18.10.312 - Buffers.

A. Riparian Habitat.

1. Inventoried creeks in White Salmon city limits and urban growth boundary include White Salmon River, Columbia River, Jewett Creek, and Dry Creek. The following buffers are the minimum requirements for streams. All buffers shall be measured from the ordinary high water mark (OHWM).

Response: As mentioned, Jewett Creek is a Type F water, requiring a buffer width of 200 feet. The applicant is requesting a reduction of the 200-foot standard buffer on the north and south lots and a variance to impact the reduced 150-foot buffer as discussed in relevant sections of this staff report.

18.10.313 - General performance standards.

The requirements provided in this subsection supplement those identified in Section 18.10.200 General Provisions. All new structures and land alterations shall be prohibited from habitat conservation areas, except in accordance with this chapter. Additional standards follow:

A. No development shall be allowed within a habitat conservation area or any associated buffer with which state or federally endangered, threatened, or sensitive species have a primary association.

B. Whenever development is proposed adjacent to a fish and wildlife habitat conservation area with which state or federally endangered, threatened, or sensitive species have a primary association, such areas shall be protected through the application of protection measures in accordance with a critical areas report prepared by a qualified professional and approved by the

city or its agent. WDFW should be consulted to provide a technical review and an advisory role in defining the scope of the habitat study.

Response: Development is proposed encroaching in a riparian buffer. According to the habitat study/HMP, two anadromous fish species are documented as occurring in Jewett Creek. The portion of the creek adjacent to the project site is mapped as providing Coho salmon spawning and rearing, as well as Steelhead trout spawning, and rearing habitat during both winter and summer seasons; both species are federally and state protected species. Oregon white oak trees are present along the top of the ravine in the riparian buffer. The applicant is applying for a reasonable use variance for encroaching into the buffer and proposing to enhance undeveloped buffer area to offset the encroachment. As highlighted in the habitat study/HMP, riparian habitat functions on site are mostly limited due to the steep ravine separating Jewett Creek and the site. Oregon white oak trees along with their driplines will be protected on site

C. Habitat Study. Development proposals or alterations adjacent to and within three hundred feet of a fish and wildlife habitat conservation area shall prepare, and submit, as part of its critical areas study, a habitat study which identifies which, if any, listed species are using that fish and wildlife habitat conservation area. If one or more listed species are using the fish and wildlife habitat conservation area, the following additional requirements shall apply:

3. The two hundred-foot buffer from "S" and "F" type streams may be adjusted down to one hundred fifty feet in specific instances with no additional review and with the concurrence of WDFW. Further modification or adjustment of buffer widths when a narrower buffer is sufficient to protect specific stream functions and values in a specific location may be achieved in consultation with WDFW subject to additional review of critical areas report and habitat study.

Response: The habitat study/HMP concluded that some of listed species identified on site by the WDFW PHS mapping tool do not actually exist on site due to poor existing habitat qualities and the steep ravine separating the site and Jewett Creek to the east. Oregon white oaks do exist on site and Coho salmon and Steelhead trout utilize Jewett Creek for spawning and rearing. The applicant is proposing to decrease the buffer down to 30 feet maximum to reasonably accommodate a future home on the lot. Staff recommends approval of this buffer reduction due to the poor habitat qualities of the site and the ability to place a dwelling on the lot without encroaching into a buffer area.

4. Approval of alteration of land adjacent to the habitat conservation area, buffer or any associated setback zone shall not occur prior to consultation with the state department of fish and wildlife and the appropriate federal agency.

Response: All of the application materials were sent to the Washington Department of Fish and Wildlife (WDFW) for their review and comments.

D. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a habitat conservation area unless authorized by a state or federal permit or approval.

Response: Only native plantings are proposed, as outlined in the the habitat study/HMP. A condition of this report is requiring adherence to this native planting plan.

F. The city or its agent shall condition approval of activities allowed adjacent to a fish and wildlife habitat conservation area or its buffer, as necessary, per the approved critical area report and habitat management plan to minimize or mitigate any potential adverse impacts. Performance bonds as defined by this chapter may also be made a condition of approval in accordance with the provisions of this chapter.

Response: Conditions of approval are outlined throughout this report and summarized at the end, including required bonds of performance security.

18.10.314 - Special provisions—Streams.

The requirements provided in this section supplement those identified in Section 18.10.200 General Provisions.

A. Type S and F Streams. Activities and uses shall be prohibited in Type S and F streams except as provided for in Sections [18.10.100] Administration, and the allowable activities and uses listed below [...]

3. Utilities. The criteria for alignment, construction, and maintenance within the wetland buffers shall apply to utility corridors within stream buffers. In addition, corridors shall not be aligned parallel with any stream channel unless the corridor is outside the buffer, and crossings shall be minimized. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body where feasible. Crossings shall be contained within the existing footprint of an existing road or utility crossing where possible. Otherwise, crossings shall be at an angle greater than sixty degrees to the centerline of the channel. The criteria for stream crossing shall also apply.

4. Stormwater facilities provided that they are located in the outer twenty-five percent of the buffer and are located in the buffer only when no practicable alternative exists outside buffer. Stormwater facilities should be planted with native plantings where feasible to provide habitat, and/or less intrusive facilities should be used. Detention/retention ponds should not be located in the buffer.

Response: The applicant is proposing a utilities and access from Jewett Boulevard and Pole Creek Road. Therefore staff finds this standard is met. No stormwater facilities are proposed at this time.

As a Condition of Approval, utilities shall not be located outside of the proposed developable areas for each proposed lot.

As a Condition of Approval, with the exception of tightline drainage over the slope, stormwater facilities shall only be allowed in the buildable areas and utility easement as designated on the "Buildable Area Plan Heritage Tree Protection Plan" submitted with the habitat study/HMP addendum.

18.10.316 - Native growth protection easement/critical area tract.

A. An NGPE as defined in Section 18.10.200 General Provisions shall be designated for Type S and F streams when located within one-quarter mile of a stream with salmonids, unless the city or its agent has waived the NGPE requirements (see below), or where the alteration section expressly exempts Type N streams, when beyond one-quarter mile of a stream with salmonids, from an NGPE. Where a stream or its buffer has been altered on the site prior to approval of the development proposal as a result of the development proposal, the area altered shall be restored

using native plants and materials. The restoration work shall be done pursuant to an approved mitigation plan.

Response: According to the habitat study/HMP, a portion of the creek adjacent to the project site is mapped as potentially providing Coho salmon and Steelhead trout spawning and rearing. Staff is requiring the applicant to place stream buffers on site in NGPEs.

18.10.317 – Special Provisions – Heritage Trees

A. The requirements provided in this section supplement those identified in Section 18.10.200 General Provisions. All heritage trees qualifying for protection provide valuable local habitat and shall be protected as critical areas. The tree protection area shall be equal to ten times the trunk diameter of the tree or the average diameter of the area enclosed within the outer edge of the drip line of the canopy, whichever is greater.

B. Heritage trees include:

- 1. Oregon White Oaks with a trunk diameter larger than fourteen inches,*

Response: The applicant has identified various Oregon White Oaks on site with trunk diameters larger than 14-inches (see habitat study/HMP addendum, Exhibit B); classified as heritage trees under this code section. Per the heritage tree protection plan outlined in the addendum, each heritage tree has a protection area delineated and all proposed developable areas are outside of these protection areas, as well as the driplines.

E. Maintenance and preservation of heritage trees is required.

1. Any owner or applicant shall use reasonable efforts to maintain and preserve all heritage trees located thereon in a state of good health pursuant to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter. Reasonable efforts to protect heritage trees include:

a. Avoidance of grading, excavation, demolition or construction activity within the heritage tree protection area where possible. The city shall consider special variances to allow location of structures outside the building setback line of a heritage tree whenever it is reasonable to approve such variance to yard requirements or other set back requirements.

b. Grading, excavation, demolition or construction activity within the heritage tree protection area shall require submittal of a tree protection plan, prepared in accordance [with] applicable guidelines for a critical area report and habitat management plan per Section 18.10.200, General Provisions.

Response: According to the submitted HMP, all heritage trees will be preserved and their protection areas will be outside of the proposed developable areas. All heritage trees on site are outside the required 15-foot building setback.

As a Condition of Approval, no grading, excavation, demolition or construction activity shall occur within the heritage tree protection area. If any grading, excavation, demolition, or construction activity is proposed within any heritage tree protection area, a tree protection plan shall be prepared in accordance with the applicable guidelines for a critical areas report and habitat management plan per Section 18.10.200, and a critical areas permit shall be obtained, prior to the issuance of any permit for grading or construction in the protection area.

2. The critical area report for purpose of this section shall include a heritage tree protection plan and shall be prepared by a certified arborist. The plan shall address issues related to protective

fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and construction. The city may impose conditions on any permit to assure compliance with this section. (Note: Some provisions in section 18.10.200, such as 18.10.211 Buffers, 18.10.214 Native growth protection easement, 18.10.215 Critical areas tracts, and 18.10.216 Marking and/or fencing requirements; may not be applicable to protection areas for heritage trees.)

Response: The applicant has been conditioned to provide protective fencing around the outer edge of the heritage tree protection area prior to commencement of any permitted development activities.

3. Building set back lines stipulated by subsection 18.10.212 shall be measured from the outer line of the tree protection area for heritage trees.

Response: WSMC 18.10.212 requires 15-foot building setback lines from the edge of a buffer (in this case tree protection area). As shown on the heritage tree protection plan, all proposed developable areas are set back 15-feet from the heritage tree's protection area. This standard is met.

4. Review and approval of the critical areas report and tree protection plan by the city is required prior to issuance of any permit for grading or construction within the heritage tree protection area.

Response: No work is proposed within the heritage tree protection areas. The applicant has been conditioned to complete a critical areas report and tree protection plan if any work does occur within a tree protection area.

5. In lieu of the NGPE required in subsection 18.10.214, a heritage tree protection easement (HTPE) shall be required. A HTPE is an easement granted to the city for the protection of a heritage tree protection area. HTPEs shall be required as specified in these rules and shall be recorded on final development permits and all documents of title and with the county recorder at the applicant's expense. The required language is as follows: [...]

Response: Most of the heritage trees on site are contained within the riparian buffer, protected by a NGPE. As such, the applicant has been conditioned to extend the NGPE on site to include any heritage tree protection areas that aren't already protected with a NGPE, rather than have two types of easements on the lots.

18.10.318 - Critical areas report.

A critical areas report for fish and wildlife habitat conservation areas shall be prepared by a qualified biologist with experience analyzing aquatic and/or wildlife habitat and who has experience preparing reports for the relevant type of critical area. The city will ask the applicant to provide a scope describing the methodology of the study and the expected content of the report and mitigation plan. If provided, the scope will be forwarded to WDFW to help ensure the adequacy of work done relative to the extent of the habitat concerns present. WDFW will respond as they are able. City will not rely solely on WDFW review of report scope. Notice will be provided in the interest of ensuring consultant work proposed is in line with agency expectations.

A. In addition to the requirements of Section 18.10.200 General Provisions, critical area reports for wildlife habitat areas shall include the following additional information:

a. An assessment of habitats including the following site and proposal related information;

b. Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

c. A discussion of any federal, state, or local species management recommendations, including the state department of fish and wildlife habitat management recommendations, that have been developed for species or habitat located on or adjacent to the project area.

B. A critical areas report for streams shall include the following information:

1. On the site map:

a. The location of the ordinary high water mark;

b. The toe of any slope twenty-five percent or greater within twenty-five feet of the ordinary high water mark;

c. The location of any proposed or existing stream crossing;

2. In the report:

a. Characterization of riparian (streamside) vegetation species, composition, and habitat function;

b. Description of the soil types adjacent to and underlying the stream, using the Soil Conservation Service soil classification system;

c. Determination of the presence or absence of fish, and reference sources; and

d. When stream alteration is proposed, include stream width and flow, stability of the channel including erosion or aggradation potential, type of substratum, discussions of infiltration capacity and biofiltration as compared to the stream prior to alteration, presence of hydrologically linked wetlands, analysis of fish and wildlife habitat, and proposed floodplain limits.

Response: A critical areas habitat study/HMP was established for the project, along with an addendum studying Oak tree locations and protection areas on site. The study included an assessment of the existing habitat and suitability for different species that were identified as possibly existing on site from the WDFW PHS mapping tool. Due to the lack of existing habitat features on site and the steep slopes of the ravine separating the site and Jewett Creek, it was concluded that the site was not suitable for these identified species. Soil types, the characterization of the existing vegetation and habitat functions, and the ordinary high water mark (OHWM) are provided. No stream crossings or stream alterations are proposed.

Staff finds the submitted critical areas habitat study/HMP and addendum sufficient for reviewing fish and wildlife habitat conservation areas on site.

WSMC 18.10.400 - GEOLOGICALLY HAZARDOUS AREAS.

18.10.411 - Designation.

Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but may also increase the hazard to surrounding development and uses. Areas

MEMORANDUM

susceptible to one or more of the following types of hazards shall be designated as geologically hazardous areas:

A. Erosion hazard. Erosion hazard areas are at least those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) as having "severe" or "very severe" rill and inter-rill erosion hazard.

B. Landslide hazard (including steep slopes). Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors.

C. Seismic hazard. Seismic hazard areas are subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface failure. The strength of ground shaking is primarily affected by:

- 1. The magnitude of an earthquake;*
- 2. The distance from the source of an earthquake;*
- 3. The type and thickness of geologic materials at the surface;*
- 4. The type of subsurface geological structure.*

D. Other geological events including, mass wasting, debris flows, rock falls, and differential settlement.

Response: A majority of the buildable site is located on slopes less than 15 percent. The outer northern and southern portions of the parcel are located in the 15 to 40 percent slope range and greater than 40 percent range. White Salmon considers steep slopes as landslide hazards. No other geologic hazard exists on site.

18.10.412 - Prohibited development and activities.

A. On-site sewage disposal systems, including drain fields, shall be prohibited within erosion and landslide hazard areas and associated buffers.

B. Pipelines containing hazardous substances (i.e., petroleum) are prohibited in geologically hazardous areas.

C. Slopes between fifteen and forty percent are generally considered buildable, however, the city or its agent may require an applicant to provide substantial evidence that a slope between fifteen and forty percent is geologically stable if there is evidence that similarly situated slopes have demonstrated substantial instability in the past.

D. Lands with slopes of forty percent or greater are considered unbuildable and development is not allowed.

Response: No on-site sewage, drain fields, or pipelines containing hazardous substances are proposed. No developable areas or building footprints are shown on the slope maps provided in the geotechnical report.

18.10.413 - Performance standards.

A. All projects shall be evaluated to determine whether the project is proposed to be located in a geologically hazardous area, the project's potential impact on the geologically hazardous area, and the potential impact on the proposed project. The city or its agent may require the

preparation of a critical area report to determine the project's ability to meet the performance standards.

B. Alterations of geologically hazardous areas or associated buffers may only occur for activities that:

- 1. The city determines no other feasible alternative route or location exists.*
- 2. Will not increase the threat of the geological hazard to or need for buffers on adjacent properties beyond pre-development conditions;*
- 3. Will not adversely impact other critical areas;*
- 4. Are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions; and*
- 5. Are certified as safe as designed and under anticipated conditions by a qualified geotechnical engineer or geologist, licensed in the state of Washington.*

Response: Steep slopes exist on site, which require a minimum buffer equal to the height of the slope, or 50 feet, whichever is greater (WSMC 18.10.414.B). The applicant is proposing to reduce the buffer to ten feet, allowed per WSMC 18.10.414.C., when a qualified professional demonstrates that the reduction will adequately protect the proposed development, adjacent development, and the critical area. The geotechnical report states that the minimum buffer can be reduced to ten feet from the top of slope and still protect slopes along the bluff and that additional geotechnical study may apply for building in the ten foot buffer area, if desired. Staff recommends allowing the reduced slope buffer.

The geotechnical report concluded that the site is suitable for buildings with little additional risk of landslides or erosions and that there will be little additional risk to the safeguard of life, limb, health, property, or public welfare provided that the outlined geotechnical recommendations are implemented (see the design standards (WSMC 18.10.415) below.

As a Condition of Approval, the geotechnical engineer who authored the Geotech Report for John O'Donnell will need to provide a current, dated stamp documenting that they are a licensed engineer in the State of Washington prior to approval of building permits.

18.10.414 - Special provisions—Erosion and landslide areas.

Activities on sites containing erosion or landslide hazards shall meet the following requirements:

A. Buffers required. A buffer shall be established for all edges of erosion or landslide hazard areas. The size of the buffer shall be determined by the city or its agent to eliminate or minimize the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical areas report prepared by a qualified professional.

B. Minimum buffers. The minimum buffer shall be equal to the height of the slope, or fifty feet, whichever is greater.

C. Buffer reduction. The buffer may be reduced to a minimum of ten feet when a qualified professional demonstrates to the city or its agent's satisfaction that the reduction will adequately protect the proposed development, adjacent developments and, uses and the subject critical area.

D. Increased buffer. The buffer may be increased when the city or its agent determines a larger buffer is necessary to prevent risk of damage to proposed and existing development.

E. Alterations. Alterations of an erosion or landslide hazard area and/or buffer may only occur for activities for which a geotechnical analysis is submitted and certifies that:

- 1. The development will not increase surface water discharge or sedimentation to adjacent properties beyond the pre-development condition;*
- 2. The development will not decrease slope stability on adjacent properties; and*
- 3. Such alteration will not adversely impact other critical areas.*

Response: As previously stated, the applicant is proposing a reduction of the required steep slope buffer to ten feet. A condition is included if the applicant is building in the slope buffer to update their geotechnical analysis to address the alterations to buffer standards listed above and the design standards of WSMC 18.10.415.

18.10.415 - Design standards—Erosion and landslide hazard areas.

Development within an erosion or landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative design that deviates from one or more of these standards provides greater long-term slope stability while meeting all other provisions of this chapter. The requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design standards are:

- A. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas;*
- B. Structures and improvements shall minimize alterations to the natural contours of the slope and foundations shall be tiered where possible to conform to existing topography;*
- C. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;*
- D. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;*
- E. The use of a retaining wall that allows the maintenance of existing natural slopes are preferred over graded artificial slopes; and*
- F. Development shall be designed to minimize impervious lot coverage.*

Response: The applicant is proposing to develop outside of landslide hazard areas and buffers. Conditions have been included if development is proposed in landslide hazard areas or buffer to comply with the design standards listed above. In addition, the geotechnical report has geotechnical recommendations for safe building development on site, including drainage practices, stormwater setbacks, site clearing, optimal weather conditions for building, and erosion control techniques.

18.10.416 - Native growth protection easement/critical area tract.

As part of the implementation of approved development applications and alterations, geologically hazardous areas and any associated buffers that remain undeveloped pursuant to the critical areas regulations, in accordance with Section 18.10.200 General Provisions, shall be designated as native growth protection easements (NGPE) and critical area tracts as applicable.

Response: A previous condition of approval requires that all landslide hazard areas and the slope buffers on site are placed into NGPEs.

18.10.417 - Critical areas report.

A. When required, a critical areas report for a geologically hazardous area shall be prepared by an engineer or geologist, licensed in the state of Washington, with experience analyzing geologic, hydrogeologic, and ground water flow systems, and who has experience preparing reports for the relevant type of hazard.

B. In addition to the requirements of Section 18.10.200 General Provisions, critical area reports are required for geologically hazardous areas shall include the following additional information:

1. On the site map:

2. All geologically hazardous areas within or adjacent to the project area or that have potential to be affected by the proposal;

3. The top and toe of slope (Note: these should be located and flagged in the field subject to city staff review);

4. In the report:

a. A geological description of the site;

b. A discussion of any evidence of existing or historic instability, significant erosion or seepage on the slope;

c. A discussion of the depth of weathered or loosened soil on the site and the nature of the weathered and underlying basement soils;

d. An estimate of load capacity, including surface and ground water conditions, public and private sewage disposal system, fill and excavations, and all structural development;

e. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement;

f. A complete discussion of the potential impacts of seismic activity on the site;

g. Recommendations for management of stormwater for any development above the top of slope;

h. A description of the nature and extent of any colluviums or slope debris near the toe of slope in the vicinity of any proposed development; and

i. Recommendations for appropriate building setbacks, grading restrictions, and vegetation management and erosion control for any proposed development in the vicinity of the geologically hazardous areas.

Response: A geotechnical report was submitted for the subject site, compiled by a licensed engineer in the state of Washington. The geotechnical report includes all sloped areas less than 15 percent, between 15 and 40 percent, and greater than 40 percent on site and the top and of the slope. A geologic description of the site and soil qualities are included. According to the City's critical areas maps, the site has a no seismic hazards (NEHRP seismic class of "B"; no liquefaction susceptibility due to bedrock).

As a Condition of Approval, prior to the commencement of any approved building activities, the top of slope shall be flagged and inspected by City staff or a City agent for review and approval.

As a Condition of Approval, prior to building permit approval, the applicant shall provide additional information about the load capacity of the site and how the site can accommodate the proposed uses and specific recommendations and best management practices for constructing single-family homes and associated uses on the site in relation to the load capacity.

I. CONCLUSIONS AND RECOMMENDATIONS

Staff finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the White Salmon Critical Areas Ordinance (WSMC 18.10). The subject application should be **Approved, subject to the follow conditions**. The conditions below summarize all of the conditions that have been listed throughout the document:

1. Prior to site disturbance including vegetation removal, the applicant shall post a performance bond or other security measure to the City for completion of any work and mitigation (including long-term monitoring, maintenance, and performance standards) required to comply with this code and any conditions of this report at the time of construction. The bond or security shall be in the amount of 125 percent of the estimated cost of implementing the riparian habitat management plan and mitigation plantings specified in the AKS Critical Areas Study and Habitat Management Plan addendum memo. The bond shall be in the form of an irrevocable letter of credit.
2. As a Condition of Approval, the applicant shall file notice with the City for review and approval of content prior to recording the notice with Klickitat County. The notice shall address all criteria highlighted in WSMC 18.10.119.A.1-3.
3. The applicant shall consent to allow entry by the City or City's agent, during regular business hours, for any inspection purposes relating to the proposed development activity to ensure accordance with any approved plans and permits of WSMC Chapter 18.10.
4. If a violation occurs and a stop work order has been issued, construction shall not continue until said violation has been corrected and assurances have been put into place that the same or similar violation is not likely to reoccur.
5. If a violation occurs, the City or its agent shall have the power to order complete restoration of the critical area by the party responsible for the violation. If said responsible party does not complete the restoration within a reasonable time following the order, as established by the City, the City or its agent shall restore the affected critical area to the prior condition and the party responsible shall be indebted to the City for the cost of restoration.
6. All undeveloped riparian and steep slope buffers, as well as landslide hazard areas and heritage tree protection areas on site shall be designated as native growth protection easements (NGPE) and recorded on the deed for the property. The NGPE shall state the presence of the critical area and buffer on the properties, the application of the White Salmon Critical Areas Ordinance to the properties, and the fact that limitations on actions in or affecting the critical area or buffer exist. The NGPE shall "run with the land." Other than the riparian buffer enhancement actions proposed by the applicant in the habitat study/HMP addendum, no other alterations including grading, vegetation clearing, planting of lawns or gardens, or other yard improvements may occur within the NGPE unless another critical areas permit is approved.

MEMORANDUM

7. Temporary fencing shall be placed along the outer perimeter of the riparian buffer, landslide hazard area, steep slope buffer, the disturbed buffer area, and the heritage tree protection area prior to commencement of any permitted development activities. Inspection by the City or its agent shall occur prior to commencement of any permitted development activities. Fencing shall remain throughout construction and shall not be removed until directed by the city or its agent.
8. The applicant and/or developer shall implement the habitat study/HMP, including performance standards, maintenance and monitoring plan, and contingency plan, as detailed in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
9. A detailed construction plan prior to building permit approval shall incorporate the mitigation and planting specifications, the performance standards, maintenance and monitoring plan, and the contingency plan outlined in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
10. If a specific deviation or failure occurs that is not covered in the proposed contingency plan, modification measures shall be implemented to address the specific deviation or measure subject to the same monitoring requirements of the original contingency mitigation measures. The modification measures shall be submitted to the City as part of required monitoring plans.
11. Utilities shall not be located outside of the proposed developable area for the lot.
12. With the exception of tightline drainage over the slope, stormwater facilities shall only be allowed in the buildable areas of the lot.
13. No grading, excavation, demolition or construction activity shall occur within the heritage tree protection area. If any grading, excavation, demolition, or construction activity is proposed within any heritage tree protection area, a tree protection plan shall be prepared in accordance with the applicable guidelines for a critical areas report and habitat management plan per Section 18.10.200 and a critical areas permit shall be obtained, prior to the issuance of any permit for grading or construction in the protection area.
14. The geotechnical engineer who authored the Geotech study for John O'Donnell will need to provide a current, dated stamp documenting that they are a licensed engineer in the State of Washington prior to approval of building permits.
15. Prior to the commencement of any approved building activities, the top of slope shall be flagged and inspected by City staff or a City agent for review and approval.
16. Prior to building permit approval, the applicant shall provide additional information about the load capacity of the site and how the site can accommodate the proposed uses and specific recommendations and best management practices for constructing a single family home or duplex and associated uses on the site in relation to the load capacity.

Suggested Motion

Based upon the applicant materials and findings of fact as outlined in the staff report dated February 9, 2022, I hereby **approve** the request for a variance to the required critical area riparian buffer, a

reduction from 50 feet to 10 feet for the required minimum geohazard offset, and an encroachment into the required 15' building setback line in the dimensions shown on the attached site plan, for Parcel 03113012001400, subject to the following conditions of approval:

1. Prior to site disturbance including vegetation removal, the applicant shall post a performance bond or other security measure to the City for completion of any work and mitigation (including long-term monitoring, maintenance, and performance standards) required to comply with this code and any conditions of this report at the time of construction. The bond or security shall be in the amount of 125 percent of the estimated cost of implementing the riparian habitat management plan and mitigation plantings specified in the AKS Critical Areas Study and Habitat Management Plan addendum memo. The bond shall be in the form of an irrevocable letter of credit.
2. As a Condition of Approval, the applicant shall file notice with the City for review and approval of content prior to recording the notice with Klickitat County. The notice shall address all criteria highlighted in WSMC 18.10.119.A.1-3.
3. The applicant shall consent to allow entry by the City or City's agent, during regular business hours, for any inspection purposes relating to the proposed development activity to ensure accordance with any approved plans and permits of WSMC Chapter 18.10.
4. If a violation occurs and a stop work order has been issued, construction shall not continue until said violation has been corrected and assurances have been put into place that the same or similar violation is not likely to reoccur.
5. If a violation occurs, the City or its agent shall have the power to order complete restoration of the critical area by the party responsible for the violation. If said responsible party does not complete the restoration within a reasonable time following the order, as established by the City, the City or its agent shall restore the affected critical area to the prior condition and the party responsible shall be indebted to the City for the cost of restoration.
6. All undeveloped riparian and steep slope buffers, as well as landslide hazard areas and heritage tree protection areas on site shall be designated as native growth protection easements (NGPE) and recorded on the deed for the property. The NGPE shall state the presence of the critical area and buffer on the properties, the application of the White Salmon Critical Areas Ordinance to the properties, and the fact that limitations on actions in or affecting the critical area or buffer exist. The NGPE shall "run with the land." Other than the riparian buffer enhancement actions proposed by the applicant in the habitat study/HMP addendum, no other alterations including grading, vegetation clearing, planting of lawns or gardens, or other yard improvements may occur within the NGPE unless another critical areas permit is approved.

7. Temporary fencing shall be placed along the outer perimeter of the riparian buffer, landslide hazard area, steep slope buffer, the disturbed buffer area, and the heritage tree protection area prior to commencement of any permitted development activities. Inspection by the City or its agent shall occur prior to commencement of any permitted development activities. Fencing shall remain throughout construction and shall not be removed until directed by the city or its agent.
8. The applicant and/or developer shall implement the habitat study/HMP, including performance standards, maintenance and monitoring plan, and contingency plan, as detailed in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
9. A detailed construction plan prior to building permit approval shall incorporate the mitigation and planting specifications, the performance standards, maintenance and monitoring plan, and the contingency plan outlined in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
10. If a specific deviation or failure occurs that is not covered in the proposed contingency plan, modification measures shall be implemented to address the specific deviation or measure subject to the same monitoring requirements of the original contingency mitigation measures. The modification measures shall be submitted to the City as part of required monitoring plans.
11. Utilities shall not be located outside of the proposed developable area for the lot.
12. With the exception of tightline drainage over the slope, stormwater facilities shall only be allowed in the buildable areas of the lot.
13. No grading, excavation, demolition or construction activity shall occur within the heritage tree protection area. If any grading, excavation, demolition, or construction activity is proposed within any heritage tree protection area, a tree protection plan shall be prepared in accordance with the applicable guidelines for a critical areas report and habitat management plan per Section 18.10.200 and a critical areas permit shall be obtained, prior to the issuance of any permit for grading or construction in the protection area.
14. The geotechnical engineer who authored the Geotech study for John O'Donnell will need to provide a current, dated stamp documenting that they are a licensed engineer in the State of Washington prior to approval of building permits.
15. Prior to the commencement of any approved building activities, the top of slope shall be flagged and inspected by City staff or a City agent for review and approval.
16. Prior to building permit approval, the applicant shall provide additional information about the load capacity of the site and how the site can accommodate the proposed uses and specific recommendations and best management practices for constructing a single family home or duplex and associated uses on the site in relation to the load capacity.

MEMORANDUM

1. Prior to site disturbance including vegetation removal, the applicant shall post a performance bond or other security measure to the City for completion of any work and mitigation (including long-term monitoring, maintenance, and performance standards) required to comply with this code and any conditions of this report at the time of construction. The bond or security shall be in the amount of 125 percent of the estimated cost of implementing the riparian habitat management plan and mitigation plantings specified in the AKS Critical Areas Study and Habitat Management Plan addendum memo. The bond shall be in the form of an irrevocable letter of credit.
2. As a Condition of Approval, the applicant shall file notice with the City for review and approval of content prior to recording the notice with Klickitat County. The notice shall address all criteria highlighted in WSMC 18.10.119.A.1-3.
3. The applicant shall consent to allow entry by the City or City's agent, during regular business hours, for any inspection purposes relating to the proposed development activity to ensure accordance with any approved plans and permits of WSMC Chapter 18.10.
4. If a violation occurs and a stop work order has been issued, construction shall not continue until said violation has been corrected and assurances have been put into place that the same or similar violation is not likely to reoccur.
5. If a violation occurs, the City or its agent shall have the power to order complete restoration of the critical area by the party responsible for the violation. If said responsible party does not complete the restoration within a reasonable time following the order, as established by the City, the City or its agent shall restore the affected critical area to the prior condition and the party responsible shall be indebted to the City for the cost of restoration.
6. All undeveloped riparian and steep slope buffers, as well as landslide hazard areas and heritage tree protection areas on site shall be designated as native growth protection easements (NGPE) and recorded on the deed for the property. The NGPE shall state the presence of the critical area and buffer on the properties, the application of the White Salmon Critical Areas Ordinance to the properties, and the fact that limitations on actions in or affecting the critical area or buffer exist. The NGPE shall "run with the land." Other than the riparian buffer enhancement actions proposed by the applicant in the habitat study/HMP addendum, no other alterations including grading, vegetation clearing, planting of lawns or gardens, or other yard improvements may occur within the NGPE unless another critical areas permit is approved.
7. Temporary fencing shall be placed along the outer perimeter of the riparian buffer, landslide hazard area, steep slope buffer, the disturbed buffer area, and the heritage tree protection area prior to commencement of any permitted development activities. Inspection by the City or its agent shall occur prior to commencement of any permitted development activities. Fencing shall remain throughout construction and shall not be removed until directed by the city or its agent.

- 8.** The applicant and/or developer shall implement the habitat study/HMP, including performance standards, maintenance and monitoring plan, and contingency plan, as detailed in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
- 9.** A detailed construction plan prior to building permit approval shall incorporate the mitigation and planting specifications, the performance standards, maintenance and monitoring plan, and the contingency plan outlined in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
- 10.** If a specific deviation or failure occurs that is not covered in the proposed contingency plan, modification measures shall be implemented to address the specific deviation or measure subject to the same monitoring requirements of the original contingency mitigation measures. The modification measures shall be submitted to the City as part of required monitoring plans.
- 11.** Utilities shall not be located outside of the proposed developable area for the lot.
- 12.** With the exception of tightline drainage over the slope, stormwater facilities shall only be allowed in the buildable areas of the lot.
- 13.** No grading, excavation, demolition or construction activity shall occur within the heritage tree protection area. If any grading, excavation, demolition, or construction activity is proposed within any heritage tree protection area, a tree protection plan shall be prepared in accordance with the applicable guidelines for a critical areas report and habitat management plan per Section 18.10.200 and a critical areas permit shall be obtained, prior to the issuance of any permit for grading or construction in the protection area.
- 14.** The geotechnical engineer who authored the Geotech study for John O'Donnell will need to provide a current, dated stamp documenting that they are a licensed engineer in the State of Washington prior to approval of building permits.
- 15.** Prior to the commencement of any approved building activities, the top of slope shall be flagged and inspected by City staff or a City agent for review and approval.
- 16.** Prior to building permit approval, the applicant shall provide additional information about the load capacity of the site and how the site can accommodate the proposed uses and specific recommendations and best management practices for constructing a single family home or duplex and associated uses on the site in relation to the load capacity.
- 17.** At the time of building permit submittal, the applicant has to either tie into the stormwater system or, if it's not adequate, the developer must retain all stormwater onsite.

Moved by Seth Gilchrist. Seconded by Tom Stevenson.

Motion approve the request for a variance to the required critical area riparian buffer, a reduction from 50 feet to 10 feet for the required minimum geohazard offset, and an encroachment into the required 15' building setback line in the dimensions shown on the attached site plan, for Parcel 03113012001400, subject to 17 conditions of approval, as amended.

CARRIED 5-0.

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

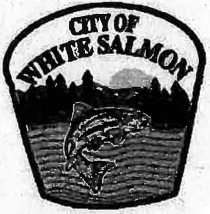
Conditions as adopted:

1. Prior to site disturbance including vegetation removal, the applicant shall post a performance bond or other security measure to the City for completion of any work and mitigation (including long-term monitoring, maintenance, and performance standards) required to comply with this code and any conditions of this report at the time of construction. The bond or security shall be in the amount of 125 percent of the estimated cost of implementing the riparian habitat management plan and mitigation plantings specified in the AKS Critical Areas Study and Habitat Management Plan addendum memo. The bond shall be in the form of an irrevocable letter of credit.
2. As a Condition of Approval, the applicant shall file notice with the City for review and approval of content prior to recording the notice with Klickitat County. The notice shall address all criteria highlighted in WSMC 18.10.119.A.1-3.
3. The applicant shall consent to allow entry by the City or City's agent, during regular business hours, for any inspection purposes relating to the proposed development activity to ensure accordance with any approved plans and permits of WSMC Chapter 18.10.
4. If a violation occurs and a stop work order has been issued, construction shall not continue until said violation has been corrected and assurances have been put into place that the same or similar violation is not likely to reoccur.
5. If a violation occurs, the City or its agent shall have the power to order complete restoration of the critical area by the party responsible for the violation. If said responsible party does not complete the restoration within a reasonable time following the order, as established by the City, the City or its agent shall restore the affected critical area to the prior condition and the party responsible shall be indebted to the City for the cost of restoration.

- 6.** All undeveloped riparian and steep slope buffers, as well as landslide hazard areas and heritage tree protection areas on site shall be designated as native growth protection easements (NGPE) and recorded on the deed for the property. The NGPE shall state the presence of the critical area and buffer on the properties, the application of the White Salmon Critical Areas Ordinance to the properties, and the fact that limitations on actions in or affecting the critical area or buffer exist. The NGPE shall “run with the land.” Other than the riparian buffer enhancement actions proposed by the applicant in the habitat study/HMP addendum, no other alterations including grading, vegetation clearing, planting of lawns or gardens, or other yard improvements may occur within the NGPE unless another critical areas permit is approved.
- 7.** Temporary fencing shall be placed along the outer perimeter of the riparian buffer, landslide hazard area, steep slope buffer, the disturbed buffer area, and the heritage tree protection area prior to commencement of any permitted development activities. Inspection by the City or its agent shall occur prior to commencement of any permitted development activities. Fencing shall remain throughout construction and shall not be removed until directed by the city or its agent.
- 8.** The applicant and/or developer shall implement the habitat study/HMP, including performance standards, maintenance and monitoring plan, and contingency plan, as detailed in the O’Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
- 9.** A detailed construction plan prior to building permit approval shall incorporate the mitigation and planting specifications, the performance standards, maintenance and monitoring plan, and the contingency plan outlined in the O’Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.
- 10.** If a specific deviation or failure occurs that is not covered in the proposed contingency plan, modification measures shall be implemented to address the specific deviation or measure subject to the same monitoring requirements of the original contingency mitigation measures. The modification measures shall be submitted to the City as part of required monitoring plans.
- 11.** Utilities shall not be located outside of the proposed developable area for the lot.
- 12.** With the exception of tightline drainage over the slope, stormwater facilities shall only be allowed in the buildable areas of the lot.
- 13.** No grading, excavation, demolition or construction activity shall occur within the heritage tree protection area. If any grading, excavation, demolition, or construction activity is proposed within any heritage tree protection area, a tree protection plan shall be prepared in accordance with the applicable guidelines for a critical areas report and habitat management plan per Section 18.10.200 and a critical areas permit shall be obtained, prior to the issuance of any permit for grading or construction in the protection area.

MEMORANDUM

14. The geotechnical engineer who authored the Geotech study for John O'Donnell will need to provide a current, dated stamp documenting that they are a licensed engineer in the State of Washington prior to approval of building permits.
15. Prior to the commencement of any approved building activities, the top of slope shall be flagged and inspected by City staff or a City agent for review and approval.
16. Prior to building permit approval, the applicant shall provide additional information about the load capacity of the site and how the site can accommodate the proposed uses and specific recommendations and best management practices for constructing a single family home or duplex and associated uses on the site in relation to the load capacity.
17. **At the time of building permit submittal, the applicant has to either tie into the stormwater system or, if it's not adequate, the developer must retain all stormwater onsite.**



VARIANCE APPLICATION INSTRUCTION

A variance is a method by which property owners are granted modifications to the strict application of the specific provision of Chapter 17.80.058 of the White Salmon Municipal Code due to a hardship beyond the control of the applicant. Variances do not permit property to be used in a manner other than that provided in the codes. This process is intended to review situations where uniform zoning application would unduly burden one property more than other properties in the area.

Please complete all portions of the attached application. You may provide any additional information you desire to support your application, i.e.: pictures, maps, letters etc. Your application will be reviewed by City Staff and upon completion, notice of the public hearing on the variance application will be advertised in "The Enterprise" and mailed to adjacent land owners. The public hearing will be scheduled with the Planning Commission within three to five weeks after submittal of the completed application.

The following is a list of the information to be submitted for a variance application:

- 1. [] Application form
2. [] Impact Fee - \$750.00 plus twice the actual cost of postage per letter of notification.
3. [] Environmental Review Fee - \$400 00, if applicable.
4. [] Area sketch - Show location of property and contiguous properties.
5. [] Plot Plan - Shows location on property including adjacent driveways, buildings, and easements. Dimensions of all improvements to property lines.
6. [] Radius Search - A list of names and mailing addresses of all adjacent property owners that abut the subject property of the variance location.

Date: 11.2.2021 Physical Address: Corner of Park Yard Rd & Jewett

Applicant: John O'Donnell

Representative for Applicant:

Telephone: 503-702-6524

Mailing Address: 1524 Sherman Flood River 97031

Email: john@skocapital.com

VARIANCE APPLICATION

To the White Salmon Planning Commission...

Describe the Modification of the terms of the White Salmon Zoning Ordinance requested: requesting
a reasonable use variance to allow for a modest single family
home within the riparian buffer along Jewett Creek

Purpose of the variance: to allow for the building of a single family home

Complete legal description of property: Parcel # 03113012001400 located in
the Northwest quarter of the NE quarter of section 30, township 3
North Range 11 East, Willamette Meridian, Klickitat Co. WA

Common discretion of the property: _____

Address of the property involved: SE corner of Pole Yard Rd. & Jewett

Zone in which property is located: R-2 family residential

Dimensions of the land: odd shaped triangle (99' x 202') 12,756 sqft.

Current Land Use of Site: base land

Current land use to the:

North: PD D - Commercial East: Commercial

South: Residential West: Residential

Floor space of buildings:

Existing: NA Additional: N/A Entire: —

VARIANCE APPLICATION (CONTINUED)

How many cars may be parked off the street on these premises: 5

Other Parking Provisions, Describe: _____

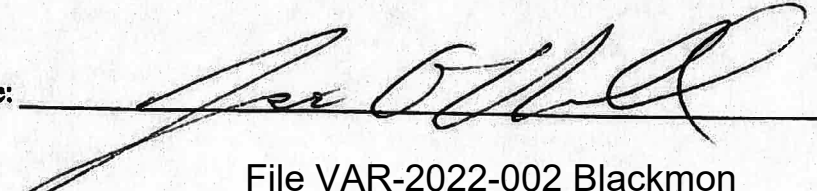
Name of each owner of the property involved and mailing address: _____

- ① Pu D #1 Kitchell Co. 1313 S. Columbus Goldendale WA 9860
- ② Benny Co LLC P.O. Box 933 White Salmon WA 98672
- ③ Carol York Trustee P.O. Box 315 White Salmon WA 98672
- ④ Church Christian Evangelistic 1603 NE 26th St Vancouver WA 98684
- ⑤ Luke Bsoalfoed 151 Old Hwy Lyle WA 98635
- ⑥ Jonathan Blake P.O. Box 7 White Salmon WA 98672

What are the exceptions or extraordinary circumstances which lead to applicant to believe this is entitled to a variance?

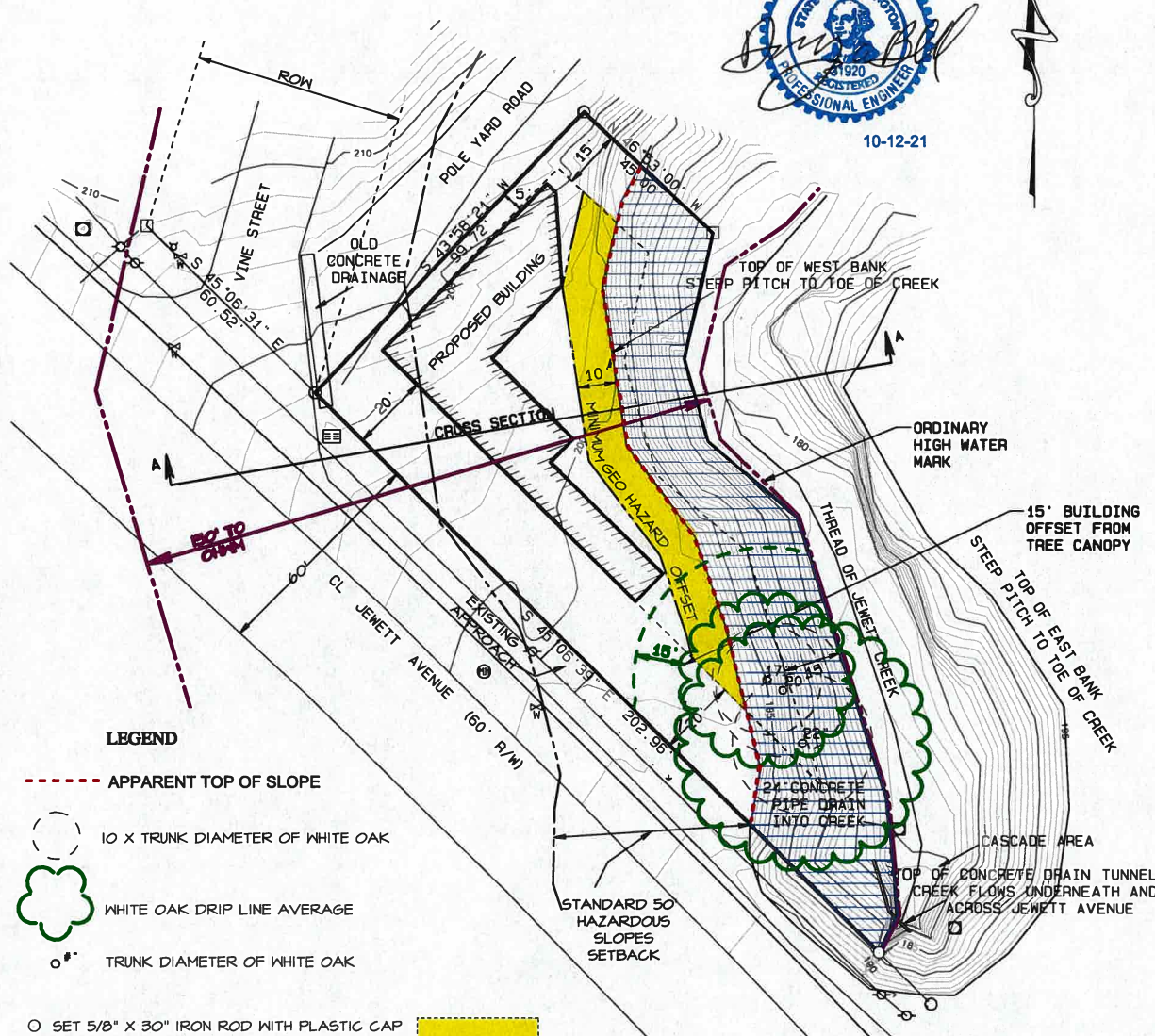
Without the variance I am unable to build. I purchased the lot in the early 2000's and removed a dilapidated single wide that was an eye sore. Since then the wildlife habitat conservation area was created and prevented building within that area. If allowed to build I'd undertake the area per the proposed habitat management plan. Also no impacts to Jewett Creek will occur.

The applicant(s) hereby certifies that all the above statements and the statements in any exhibit and plot plans transmitted herewith are true; and the applicant(s) acknowledge that any permit issued on such statements are false.

Applicant Signature: 

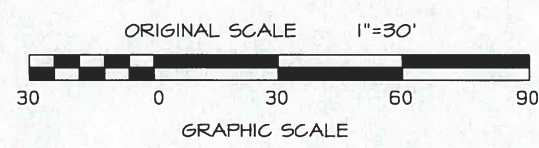
PROPOSED SINGLE FAMILY BUILDING ENVELOPE

PARCEL #03113012001400 LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KLIKITAT COU, WASHINGTON



LEGEND

- - - APPARENT TOP OF SLOPE
- 10 X TRUNK DIAMETER OF WHITE OAK
- WHITE OAK DRIP LINE AVERAGE
- TRUNK DIAMETER OF WHITE OAK
- SET 5/8" X 30" IRON ROD WITH PLASTIC CAP
- FOUND MONUMENT OF RECORD
- CALCULATED, NOT FOUND OR SET
- DEED OR PLAT CALL
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- STORM DRAIN
- WATER VALVE
- CATCH BASIN
- POWER POLE
- GUY WIRE ANCHOR
- OHWM ORDINARY HIGH WATER MARK
- GEO HAZARD OFFSET ZONE
- RIPARIAN ENHANCEMENT AREA - 4838 S.F.
- NO-BUILD ZONE



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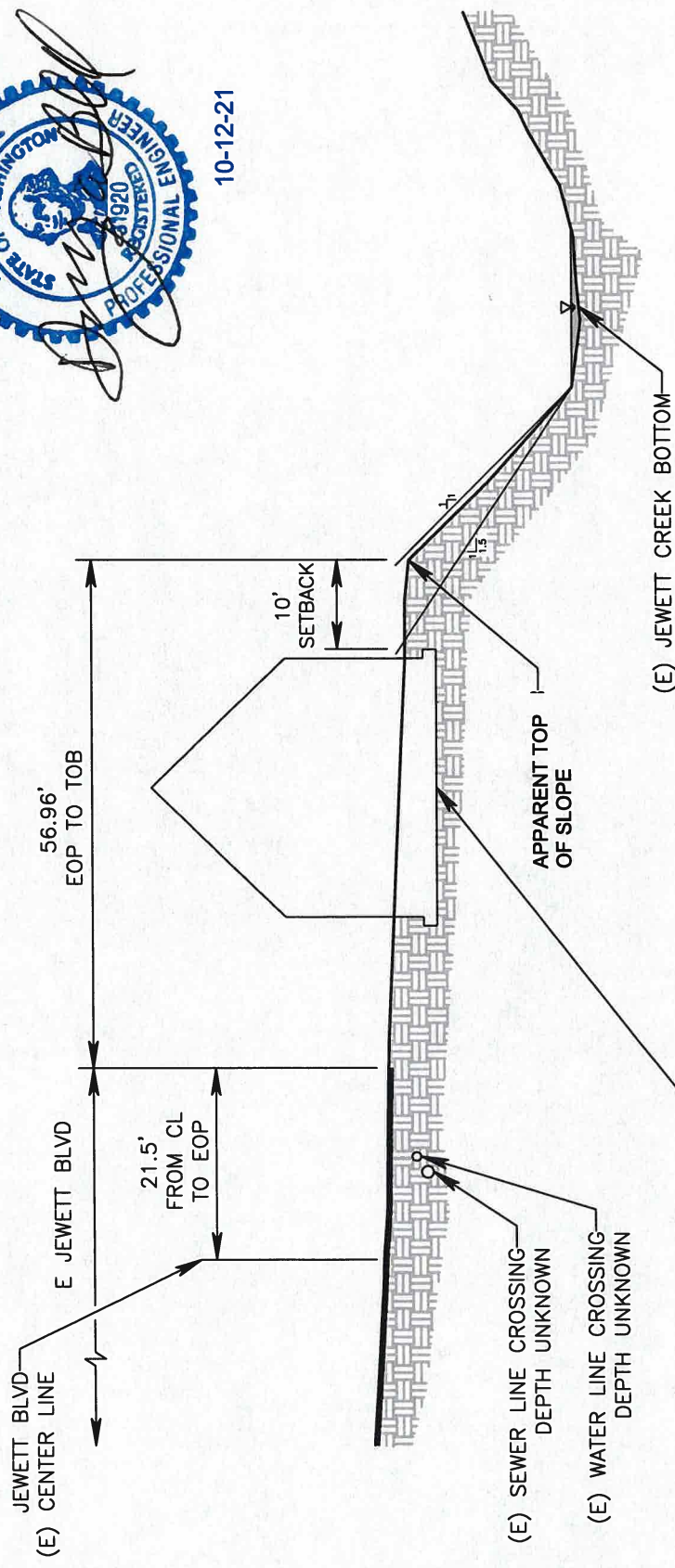
C100	DATE	198172
	DATE	4/12/21
PROJECT	CRITICAL AREA HAZARDOUS SLOPES	
CLIENT	JOHN O'DONNELL	
LOCATION	WHITE SALMON WASHINGTON	

CRITICAL AREA HAZARDOUS SLOPES
JOHN O'DONNELL
 WHITE SALMON WASHINGTON

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 CIVIL ENGINEERING LAND SURVEYING
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 PHONE (509) 443-3886, FAX (509) 443-3885
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10-12-21



SEE SHEET C1.2 FOR HAZARDOUS SLOPE NOTES

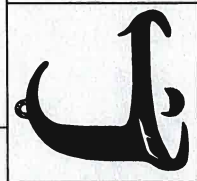
HAZARDOUS SLOPES - CROSS SECTION

N.T.S.

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90

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CRITICAL AREA HAZARDOUS SLOPES
JOHN O' DONNELL
 850 E JEWETT BLVD, WHITE SALMON, WA 98672

JOB NO.	198472
DATE	9/2/21
DRAWN BY	ERT
CHECKED BY	DAB
REVISIONS	DATE
RECORD DRAWING	DATE

SHEET NO. 104

GEOHAZARD CONSIDERATIONS

SETBACKS AND NO-BUILD ZONES

AN APPARENT TOP OF SLOPE LINE HAS BEEN ESTABLISHED THAT ROUGHLY FOLLOWS THE EXISTING TOP OF BANK ALONG THE WESTERN SLOPE OF JEWETT CREEK. THIS LINE ROUGHLY SIGNIFIES A STARTING POINT IN WHICH OTHER OFFSET LINES AND ZONES ARE DEFINED FROM.

A NO-BUILD ZONE HAS BE ESTABLISHED BELOW THE APPARENT TOP OF SLOPE. NO BUILDINGS OR STRUCTURES SHOULD BE PLACED WITHIN THIS AREA.

A MINIMUM GEO HAZARD OFFSET LINE HAS BEEN ESTABLISHED 10-FOOT WESTERLY OF THE APPARENT TOP OF SLOPE LINE. CONSTRUCTION LOCATED ON THE DOWNHILL SIDES OF THIS LINE IS AT HIGHER RISK OF SLOPE INSTABILITY AND MUST BE AVOIDED WITHOUT SIGNIFICANT ADDITIONAL GEOTECHNICAL EVALUATION. BUILDING BELOW THIS LINE IS BEYOND THE SCOPE OF THIS REPORT.

INCREASED FOUNDATION REQUIREMENTS

IN ORDER TO MINIMIZE THE RISK OF DIFFERENTIAL SETTLEMENTS CAUSED BY POTENTIAL LANDSLIDES OR SCOUR RELATED ACTIVITIES, THE FOLLOWING REQUIREMENTS MUST BE IMPLEMENTED. THESE RECOMMENDATIONS ARE BASED ON THE THREE-STORY (MAX) PROPOSED STICK FRAMED RESIDENCE PLANS THAT WERE REVIEWED BY THE ENGINEER. DESIGN USING AN ALLOWABLE BEARING PRESSURE OF 1500 POUNDS PER SQUARE FOOT FOR FOUNDATIONS PLACED ON NATIVE SOIL. FOUNDATIONS MUST BE PROTECTED FROM WATER SATURATION AND PLACED ON 2-INCHES OF CRUSHED GRAVEL COMPACTED TO A LEAST 98% OF THE OPTIMUM DRY DENSITY OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D 698). THE FOOTINGS SHOULD HAVE A MINIMUM WIDTH OF 24-INCHES AND BE FOUNDED AT LEAST 24-INCHES BELOW FINISH EXTERIOR GRADE AND BELOW THE 1:1.5 LINE (AS SHOWN IN FIGURE C1.1 TO PROTECT THEM FROM FROST HEAVE AND STEEP SLOPES. CONCRETE FOR FOUNDATIONS SHOULD BE AT LEAST FC = 3000 PSI. STEEL SHOULD FY = 60,000 PSI. A MINIMUM OF (3) CONTINUOUS NO. 4 HORIZONTAL REBAR SHOULD BE UTILIZED FOR ALL BEARING CONTINUOUS FOOTINGS. VERTICAL REBAR SHOULD BE SPACED NO GREATER THAN 18-INCHES ON CENTER. ALL PERMANENT FOUNDATION ELEMENTS MUST BE LOCATED TO THE SAFE SIDE OF NO-BUILD ZONE AND MINIMUM GEO HAZARD OFFSET LINE.

DRAINAGE REQUIREMENTS

PERIMETER FOOTING DRAINS SHOULD BE UTILIZED AND DRAINED AWAY FROM DANGEROUS SLOPES. ROOF AND GUTTER DRAINS SHOULD BE DRAINED AWAY FROM FOOTING DRAINS IN WATER TIGHT PIPES AND DIRECTED AWAY FROM LANDSLIDE PRONE SLOPES. ALL SURFACE WATER NEAR DANGEROUS SLOPES SHOULD BE CONTROLLED TO MINIMIZE TOP-SLOPE DEGRADATION AND EROSION. PROVIDE CONTROL STRUCTURES, SUCH AS CURBS, DITCHES OR NON-LEAKING PIPING TO MINIMIZE RUN-OFF POTENTIAL. EXISTING AND PROPOSED ROADWAYS AND PARKING AREAS SHOULD BE GRADES TO PREVENT RUN-OFF FROM CONCENTRATING OR SPILLING OVER DANGEROUS SLOPES.

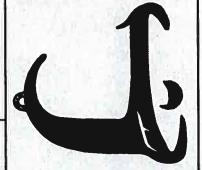
HAZARDOUS SLOPES - NOTES

D-3
C1.2

N.T.S

JOB NO.	19B172
DATE	9/23/21
DRAWN BY	JHR
CHECKED BY	DAB
REVISIONS	DATE
RECORD DRAWING	DATE

**CRITICAL AREA
HAZARDOUS SLOPES**
JOHN O' DONNELL
850 E JEWETT BLVD, WHITE SALMON, WA 98672



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91



10-12-21

OPTIONAL RECOMMENDATIONS

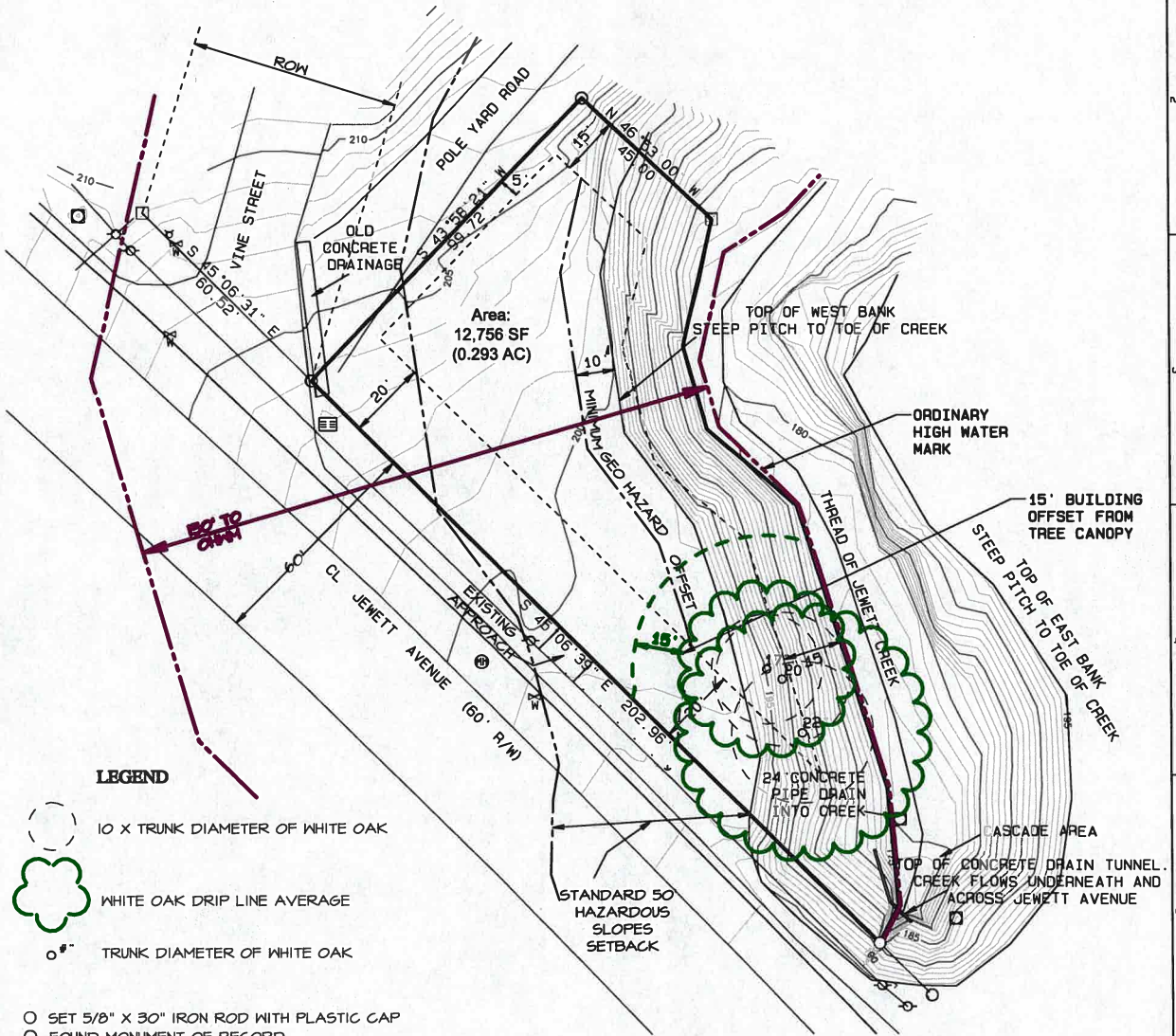
SLOPE ROUNDING

ALONG THE WESTERN APPARENT TOP OF SLOPE LINE IT IS RECOMMENDED THAT, WHEREVER EVIDENCE OF LANDSLIDE/SCOUR SCARPERS ARE PRESENT, THE TOP OF SLOPE SHOULD BE ROUNDED TO MINIMIZE THE POTENTIAL FOR TENSION-CRACKS FORMING. DURING PERIODS OF FREEZING AND HEAVY RAINFALL, TENSION CRACKS CAN FORM. WHEN FILLED WITH RUN-OFF WATERS, THESE CRACKS EXASPERATE SLOUGHING OF THE TOP OF THE SLOPE. SLOPES SHOULD BE ROUNDED TO NO LESS THAN A 5-FOOT MINIMUM RADIUS, BUT SHOULD BE INCREASED WHEREVER FEASIBLE.

UPON COMPLETION, OF SLOPE ROUNDING, PROVIDE SLOPE STABILIZATION EFFORTS. THESE EFFORTS MAY INCLUDE RE-VEGETATION, STABILIZATION FABRICS, CRIBBING OR ARMORING AS ALLOWED IN RIPERIAN AREAS. MANY DIFFERENT TYPES OF SLOPE STABILIZATION EFFORTS ARE AVAILABLE, BUT DETAILS ARE BEYOND THE SCOPE OF THIS REPORT.

EXISTING CONDITIONS

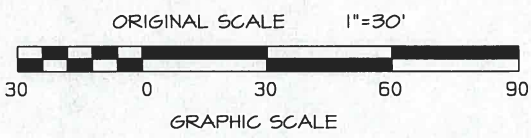
PARCEL#03113012001400 LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE II EAST, WILLAMETTE MERIDIAN, KLIKITAT COUTY, WASHINGTON



LEGEND

- 10 X TRUNK DIAMETER OF WHITE OAK
- WHITE OAK DRIP LINE AVERAGE
- 8" TRUNK DIAMETER OF WHITE OAK

- SET 5/8" X 30" IRON ROD WITH PLASTIC CAP
- FOUND MONUMENT OF RECORD
- CALCULATED, NOT FOUND OR SET
- DEED OR PLAT CALL
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
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- CATCH BASIN
- POWER POLE
- GUY WIRE ANCHOR
- ORDINARY HIGH WATER MARK



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JOB NO.	198172
DATE	4/12/21
DRAWN BY	JHD
REVIEWED BY	ARB
PREPARED BY	ARB
DATE	
SHEET NO.	C1.00
TOTAL SHEETS	1

EXISTING CONDITIONS

WHITE SALMON WASHINGTON

BELL DESIGN COMPANY

CIVIL ENGINEERING LAND SURVEYING

400 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605

PHONE (509) 443-3086, FAX (509) 443-3085

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Tualatin, OR 97062
(503) 563-6151

VANCOUVER, WA
9600 NE 126th Avenue, Suite 2520
Vancouver, WA 98682
(360) 882-0419

O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan

Date: 5/25/2021
To: City of White Salmon Planning Department
From: Stacey Reed, PWS, Senior Wetland Scientist
Project: O'Donnell Property Critical Areas Study
Subject: Habitat Study and Habitat Management Plan /
Request for Type IV Reasonable Use Variance
Site Location: Pole Yard Road and Jewett Avenue, White Salmon, Klickitat County, Washington
Parcel No. 031130120001400 (0.29 acres in size)

Introduction

AKS Engineering & Forestry, LLC (AKS) was contracted by Mr. John O'Donnell (Applicant/Property Owner) to prepare a Critical Areas Habitat Study and Habitat Management Plan to support development of a duplex on the property located at the southeast intersect of Pole Yard Road and Jewett Avenue in White Salmon, Klickitat County, Washington (Parcel 031130120001400; Figures 1 and 2 of Attachment 1).

Jewett Creek, a fish-bearing (Type F) stream flows southerly at the bottom of a steep sided ravine immediately off-site to the east. Per City of White Salmon Municipal Code (WSMC), Type F streams require a standard 200-foot wide fish and wildlife habitat conservation area (ie priority riparian buffer), which extends through the entire site. Per WSMC Chapter 18.10.313.C.3, the 200-foot wide riparian buffer can be reduced up to 150 feet in width, with Washington State Department of Fish and Wildlife (WDFW) concurrence. However, the entire 150 foot reduced buffer still encumbers the entire site, making avoidance with a reduced buffer not feasible. Therefore, the applicant is requesting a reasonable use variance (WSMC 18.10.125.C) to allow for modest development within the riparian buffer associated with Jewett Creek. On-site enhancement to remaining buffer is proposed to offset the development within the 150-foot wide riparian buffer. No impacts to Jewett Creek will occur.

AKS has prepared the following Habitat Study and Habitat Management Plan in compliance with the City's Chapter 18.10 Critical Areas Ordinance to ensure no net loss of riparian habitat functions and values will occur as a result of the variance request or reduced buffer width.

Site Background

The study area is undeveloped, consisting of a field. Jewett Creek flows southerly at the bottom of steep ravine immediately off-site to the north and east. Jewett Creek is a perennial fish-bearing tributary to the Columbia River. The field above the ravine was dominated by nonnative grasses and forbs with scattered ornamental shrubs related to a former single-family residence, which according to Google Earth historic aerial imagery, was removed from the site sometime between 2006 and 2009.

The on-site west bank slope is dominated by scattered smaller diameter Oregon white oak (*Quercus garryana*), cherry (*Prunus* species), and locust (*Robinia* species) trees with invasive Himalayan blackberry (*Rubus armeniacus*), and morning-glory (*Convolvulaceae* species) mainly dominant in the understory, along with scattered Oregon grape, and non-native weedy grasses and forbs. An old concrete retaining wall and rock are also present along the west bank slope.

According to the Natural Resource Conservation Service (NRCS) soil survey and hydric soil list for Klickitat County Washington area, the entire study area is mapped as non-hydric Hood loam, 30% to 65% slopes (Figure 3, Attachment 1).

According to the United States Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) mapping Jewett Creek is mapped immediately off-site, extending slightly into the southeast corner of the site (Figure 4, Attachment 1).

According to WDFW's Priority Habitat and Species (PHS) mapping (Figure 5, Attachment 1), oak/pine mixed forest, California mountain kingsnake (*Lampropeltis zonata*), mule and black-tailed deer (*Odocoileus hemionus*), and northern spotted owl (*Strix occidentalis*) priority habitats and species potential occurrences are mapped extending on to the site.

Site Analysis

Methods

Stacey Reed, PWS (Senior Wetland Scientist) conducted a site visit on May 14, 2021 to assess the condition of the on-site riparian buffer and determine if any of the PHS habitat or species and other critical area resources (wetlands or waters) were present on the site. Representative site photographs are included in Attachment 2.

Results

Priority Habitats and Species

Oregon White Oak Woodland

Oregon white oak woodlands and oak/conifer associations are considered a priority habitat by WDFW if the oak canopy coverage within a stand of trees is greater than or equal to 25 percent. The site does not contain a large stand of oaks, but contains small clusters of oak trees in the eastern portion of the site, within the sloped area adjacent to Jewett Creek. There was no evidence of Western gray squirrel nesting or occupancy within the on-site oaks. The dripline for Oregon white oaks trees within the closest proximity to the proposed development were surveyed by Bell Design Company, as shown on the attached site plan.

California Mountain King Snake

The California mountain kingsnake requires moist, riparian habitats. These snakes are typically found under rocks and rotting logs near the stream corridor. This habitat may be present along the eastern site boundary, adjacent to Jewett Creek. No evidence of this species was observed during our May 2021 site visit. There was no woody debris or downed wood on the site. There were no talus slopes or rock outcrops. This species may occur off-site adjacent to Jewett Creek, but is not likely to occur on the project site.

Northern Spotted Owl

The northern spotted owl requires mature and old-growth coniferous forests with structural complexity for nesting, roosting, and foraging. Northern spotted owls have a limited diet to species associated with late-successional forests, including flying squirrels (*Glaucomys sabrinus*) and red tree voles (*Arborimus longicaudus*). Suitable habitat for northern spotted owl is not present on the site.

Riparian Habitat

No hydrophytic vegetation or landforms likely to sustain water to develop wetland conditions were not observed on or immediately adjacent (within 200 feet) to the site. Jewett Creek is present at the bottom of the ravine. Topography on the site, including the centerline of Jewett Creek was professionally land surveyed by Bell Design Group. The approximate off-site ordinary high water mark (OHWM) for the portions of Jewett Creek was mapped by AKS at the toe of the ravine (as shown on attached Figures 6 and 7, Attachment 1). Generally, Jewett Creek is located immediately off-site, existing to the south under Jewett Avenue through a concrete drain tunnel.

According to StreamNet.org (a database maintained by ODFW and WDFW), two anadromous fish species are documented as occurring in Jewett Creek. The portion of the creek adjacent to the project site is mapped as potentially

providing Coho salmon (*Oncorhynchus kisutch*) spawning and rearing, as well as Steelhead trout (*Oncorhynchus mykiss*) spawning, and rearing habitat during both winter and summer seasons. According to WDFW PHS mapping, Jewett Creek is mapped as having priority summer and winter Steelhead trout and coho, as well as rainbow trout (*Oncorhynchus mykiss*).

Habitat within the on-site riparian buffer generally consists of a flat field dominated by non-native grasses and forbs with a steeply sloped (>25% slope) ravine in the east. A few Oregon white oak trees are present along the sloped ravine in the riparian buffer. The understory in the sloped area generally consisted of Himalayan blackberry and weedy grasses/forbs, lacking structural diversity of native woody shrubs. The steepness of the ravine separating Jewett Creek from the site provides a physical limitation of functions and values associated with Jewett Creek.

City of White Salmon Oregon White Oak Heritage Trees (Section 18.10.317 of WSMC)

The dripline for Oregon white oaks trees within the closest proximity to the proposed development were surveyed by Bell Design Company, as shown on the attached site plan. The site plan avoids impacts (no construction activity) within the Oregon white oak heritage trees (trunk larger than 14-inches) dripline (Figure 7); therefore, a variance for development within the driplines is not necessary.

Project

The project consists of the development of a two-family duplex building. The building is located in the flatter existing degraded portion of the site, with access from Jewett Avenue, utilizing the existing approach. Stormwater generated from the project will connect to City storm system and will not discharge into Jewett Creek. The building and parking will be located at least 10-feet from the top of slope (per allowed geotechnical report setback) and at least 30 feet from the OHWM of Jewett Creek, at closest extent. The site plan has been designed to avoid development within the driplines of Oregon white oak trees and will not require the removal of any trees.

Reasonable Use Variance Request

Per Section 18.10.125.C, the applicant requests a reasonable use variance, as the standards listed under Chapter 18.10 of the City's code of ordinance, would deny the applicant reasonable use of the property. Below outlines how the project meets the reasonable use variance criteria requirements listed under Section 18.10.125.D of WSMC. There are no alternatives that avoid encroachment into the 150 foot reduced buffer. The project has been designed to minimize encroachment as much as practicable, with development being located as far away from Jewett Creek as possible, adjacent to Jewett Avenue and Pole Yard Road.

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation on use of other properties similarly affected by the code provision for which a variance is requested.

According to the City of White Salmon's March 2016 zoning map, the property is zoned R-2 Two Family Residential. The Applicant intends to develop one modest sized (+/-2,214 square foot total building footprint) two-family duplex to support the demand for affordable housing within the City limits.

2. That such variance is necessary to provide reasonable use of the property, because all special circumstances and/or conditions relating to the size, shape, topography, sensitive areas, location, or surroundings of the property, to provide it with those relative rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.
3. That the special conditions and/or circumstances area not self-created conditions or circumstances.

The parcel was created prior to the establishment of Chapter 18.10 of WSMC. The buffer restriction is not a self-created condition or circumstance.

4. That granting of the variance will not be materially detrimental to public welfare or injurious to the property, neighborhood, or improvements in the vicinity in which property is situated.

The property on the opposite side of Jewett Creek (to the east) has a structure which are located less than 150 feet from Jewett Creek (Parcel 03113077050100). The Klickitat PUD has impervious area (gravel, staging, etc.) immediately above the top of slope to the north of the Applicant's property. The majority of properties in the immediate vicinity contain residential development and this project is not likely to be detrimental to the welfare of the neighborhood or general public. Allowing a variance for this project would not constitute a grant of special privilege to the Applicant. A residence was formerly present on this property. A habitat management buffer enhancement mitigation plan consistent with Section 18.10.221 of WSMC is proposed to adequately mitigate for reduced buffer width. The habitat mitigation plan includes enhancement of the remaining riparian buffer, including preservation of remaining habitat in a conservation easement.

Therefore, the project is consistent with required variance criteria identified in WSMC 18.10.125.D to allow for reasonable use of the property.

Riparian Habitat Impact Analysis

The project will not have an impact on the functions and values associated with Jewett Creek. No documented occurrences of listed species are utilizing the on-site fish and wildlife habitat conservation area (ie riparian buffer). Reasonable use of the site requires encroachment into the 150 foot riparian buffer. The existing condition of the encroachment area can be described as being "degraded condition", as it lacks tree canopy and consists of a grass field dominated by non-native grasses and forbs, providing no functional benefit to Jewett Creek. No trees will be removed for the project. The building will be located several feet higher in elevation than Jewett Creek, approximately 34 feet from the OHWM at closest extent. The duplex building is not expected to have an adverse impact to functions and values associated with Jewett Creek. This project includes enhancement to the buffer in between the building and Jewett Creek by densely planting native trees and shrubs and adding fencing, which will be a significant improvement over the existing functional opportunity currently afforded to Jewett Creek on the project site.

Riparian Habitat Enhancement Mitigation Plan

Enhancement to a portion of the remaining on-site *degraded* condition riparian buffer with native tree and shrub plantings is proposed to offset the riparian buffer encroachment. Enhancement will consist of installing a total of 100 native shrubs (including within the understory of the existing Oregon white oak canopy) and 10 additional Oregon white oak trees within a +/-4,838 square foot area adjacent to Jewett Creek. The riparian enhancement area is shown on attached Figure 7. The proposed enhancement area exceeds the minimum 1:1 ratio required in 18.10.219 of WSMC. The riparian buffer area will be fully vegetated with native vegetation and not contain lawn or other mowed or paved areas.

The planting area will provide an increase in habitat functions and values over the existing "degraded" habitat. The existing condition of the enhancement area consists does contain a canopy of some Oregon white oak trees, but the understory generally lacks woody vegetation and structural diversity. A detailed planting plan, including a list of species and quantities to be installed and specific planting instructions, is included in Attachment 3.

The riparian area enhancement area will be protected from future development through designation within a Native growth protection easement (NGPE), in accordance with Section 18.10.214 of WSMC.

Performance Standards

Enhancement plantings should achieve survival of 90 percent in Year 1 (following the first growing season) and at least 80 percent survival in Years 2 through 5.

Maintenance and Monitoring Plan

Plantings will be maintained and monitored for a minimum of five growing seasons following plant installation. The enhancement area is to be monitored annually by the Applicant between June 1 and September 30 in Years 1, 2, 3, and 5. Monitoring will consist of a count of live and deceased plantings at select plot locations, observations of wildlife use of the enhancement area, maintenance needs, and representative photographs taken across enhancement areas to document mitigation compliance (Section 18.10.222 of WSMC).

Annual reporting should be conducted by the Applicant and should include a brief memorandum with photographs of the planting area and a discussion of the number of living plants, maintenance actions (irrigation, invasive plant control), and corrective actions (replanting, mulching) that occurred during the monitoring year. Success will be achieved when monitoring results indicate that performance standards are being met at the end of the five year monitoring period. Monitoring reports will be submitted to the City by November 1 following the growing seasons of Years 1, 2, 3, and 5.

Routine maintenance of the site is necessary to ensure the integrity and success of enhancement plantings. If mortality occurs, the factor likely to have caused mortality of the plantings is to be determined and corrected if possible. Any dead plants shall be replaced and other corrective measures, such as species substitutions, mulching or irrigation, should be implemented as needed.

Signage and Fencing

Prior to and during construction, markers or fencing will be in place around the outer edges of the riparian buffer enhancement area (along the top of slope). Permanent fencing along the top of slope is recommended to protect the plantings and habitat (Section 18.10.216.D of WSMC).

Contingency Plan

The Applicant will be the responsible party for the implementation of management activities during the monitoring period, including any corrective measures taken when monitoring indicates project performance standards are not being met. Specific maintenance and management activities will be identified based on the results of each annual monitoring visit. Contingency measures may include additional or substitute plantings, irrigation, browse protection, or other measures developed to ensure success of the mitigation project.

Long-term Protection and Financial Assurance

Per Chapter 18.10.214, the remaining on-site riparian buffer, including the enhancement area, will be placed in separate Native Plant Growth Protection Easements (NGPE). This easement is granted to the City and shall be recorded on final development permits.

Prior to issuance of a building permit, the City may require financial assurance for successful implementation of the habitat management plan. Security should be provided by the Applicant in the form of a bond or other security for 125 percent of the amount estimated to ensure mitigation is fully functional for the duration of the monitoring period. Bonds or other security authorized for mitigation will be required until the City determines, in writing, that the project has been fully implemented and demonstrated to function.

Statement of Preparation

Fieldwork and preparation of this memorandum were completed by the following professionals qualified to conduct critical area species and habitat assessments and mitigation planning within the City (WSMC 18.10.217.B and 18.10.800.36.a):



Stacey Reed, PWS
Senior Wetland Scientist

Attachments

Attachment 1. Figures

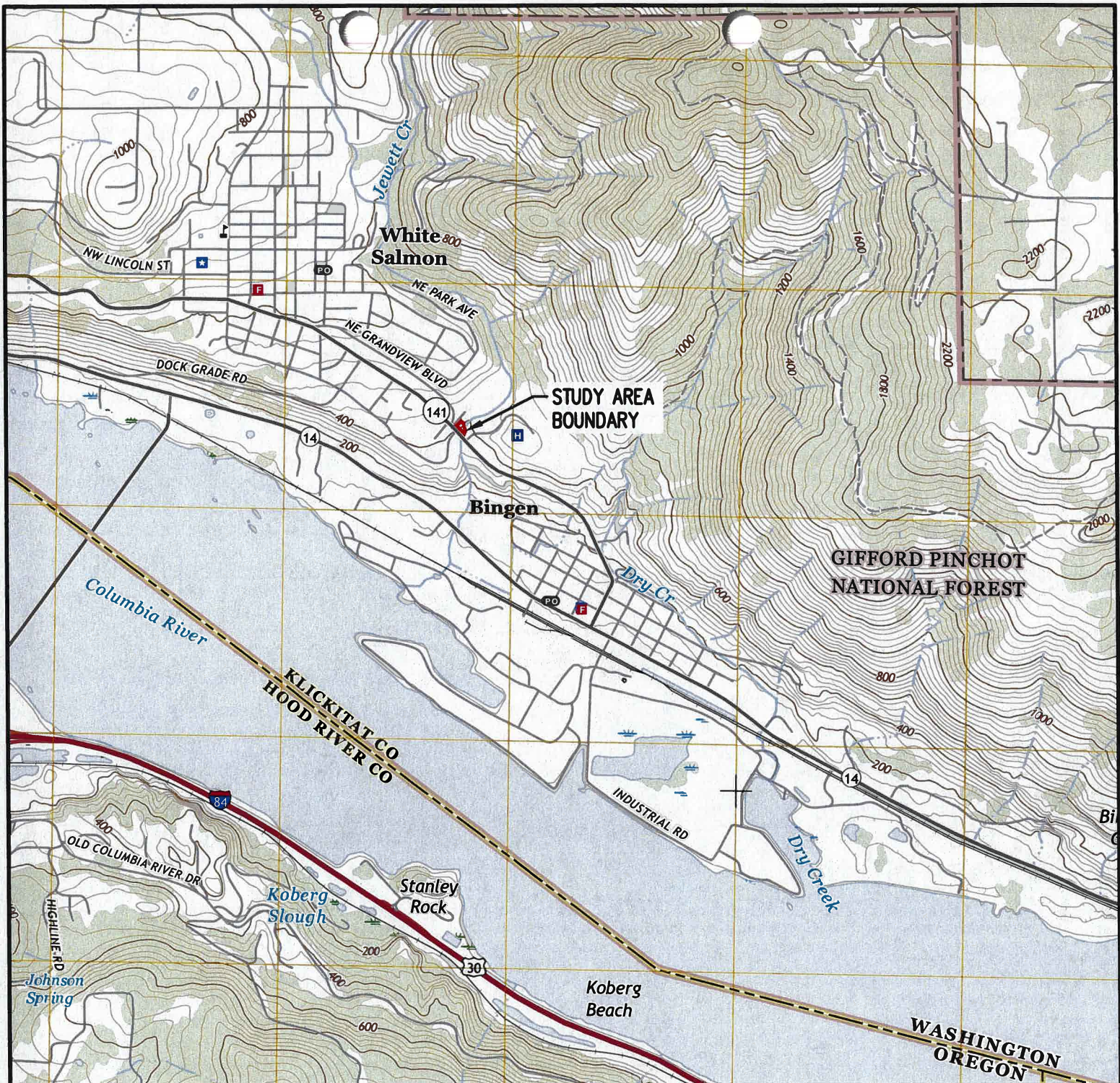
- Figure 1. USGS Vicinity Map**
- Figure 2. Parcel Map**
- Figure 3. NRCS Soil Survey Map**
- Figure 4. USFWS National Wetland Inventory (NWI) Map**
- Figure 5. WDFW Priority Habitat and Species (PHS) Map**
- Figure 6. Existing Conditions Survey Map**
- Figure 7. Site Plan**

Attachment 2. Representative Site Photographs

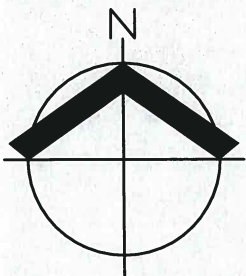
Attachment 3. Riparian Buffer Enhancement Planting Plan



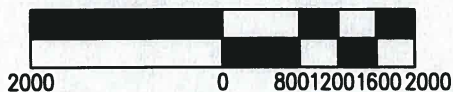
Attachment 1. Figures



USGS 7.5' TOPOGRAPHIC SERIES
 QUADRANGLE: WHITE SALMON, WA (2017)



SCALE: 1" = 2000 FEET



77

DATE: 05/24/2021

USGS VICINITY MAP
 O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY

FIGURE
 1

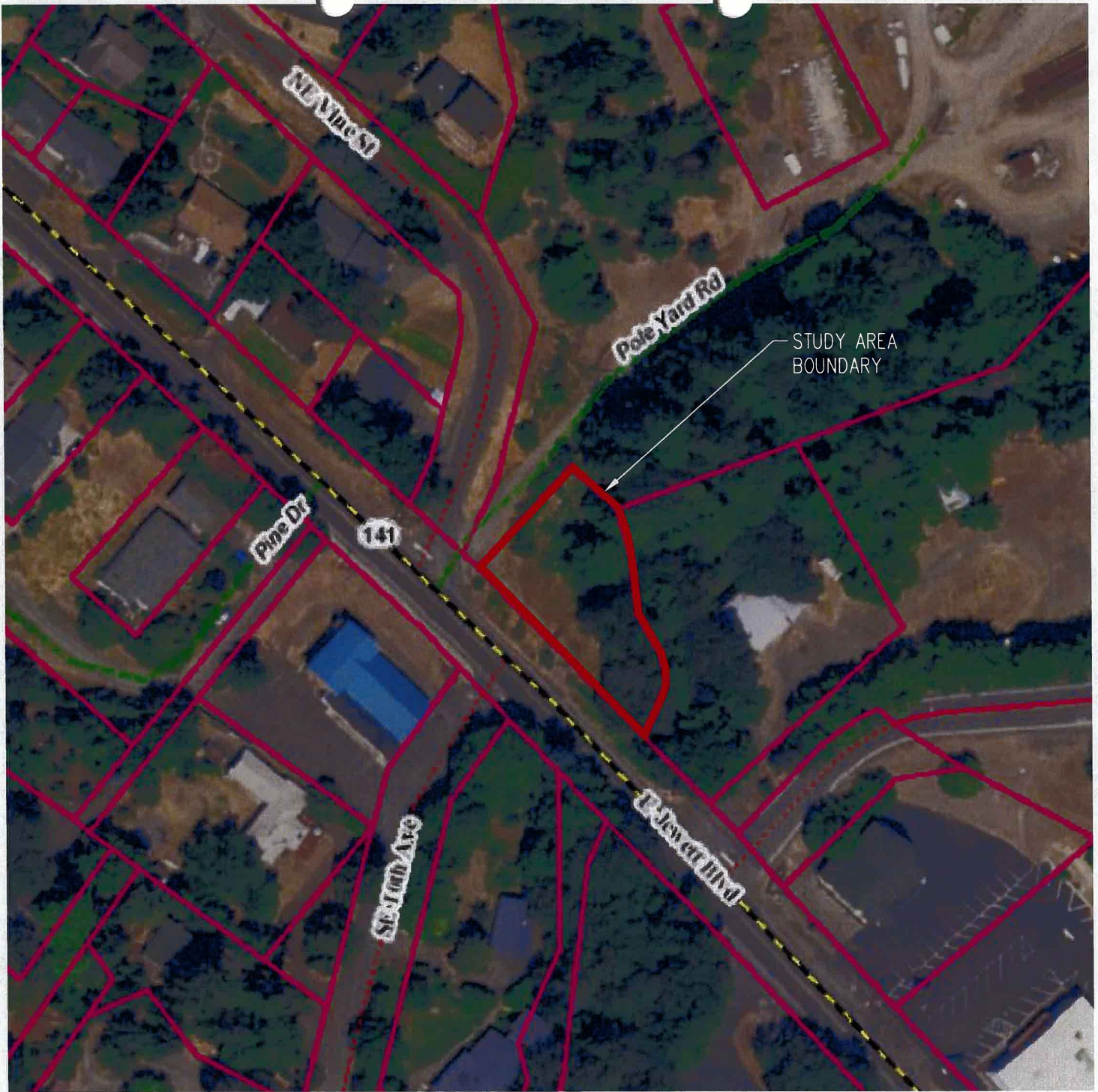
AKS ENGINEERING & FORESTRY, LLC
 9600 NE 126TH AVE, STE 2520
 VANCOUVER, WA 98682
 P: 360.882.0419 F: 360.882.0420 aks-eng.com



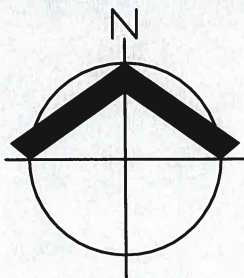
DRWN: SAS
 CHKD: SAR

114

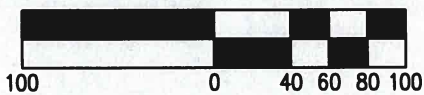
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KLICKITAT COUNTY
 PARCEL NO. 03113012001400



SCALE: 1" = 100 FEET



DATE: 05/24/2021

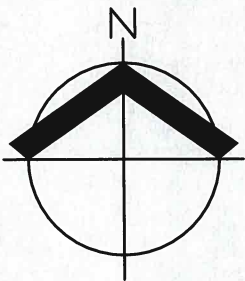
PARCEL MAP		FIGURE 2
O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY		
AKS ENGINEERING & FORESTRY, LLC 9600 NE 126TH AVE, STE 2520 VANCOUVER, WA 98682 Phone: 206.224.0626 Email: aks@aks-eng.com		DRWN: SAS CHKD: SAR A 115



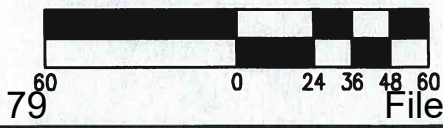


MAP UNIT SYMBOL	MAP UNIT NAME
90C	HOOD LOAM, 30%-65% SLOPES; NON-HYDRIC

NRCS WEB SOIL SURVEY FOR
Klickitat County



SCALE: 1" = 60 FEET



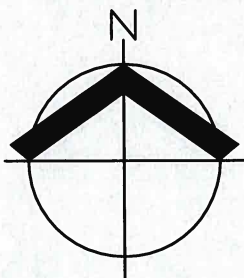
DATE: 05/24/2021

NRCS SOIL SURVEY MAP O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY		FIGURE 3
AKS ENGINEERING & FORESTRY, LLC 9600 NE 126TH AVE, STE 2520 VANCOUVER, WA 98682 P: 360.224.0625 B: 360.224.0626 E: aks@aks-eng.com		DRWN: SAS CHKD: SAR A 116

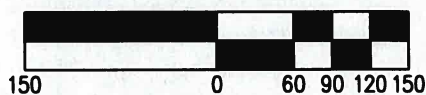




US FISH & WILDLIFE SERVICE
NATIONAL WETLAND INVENTORY (NWI)



SCALE: 1" = 150 FEET

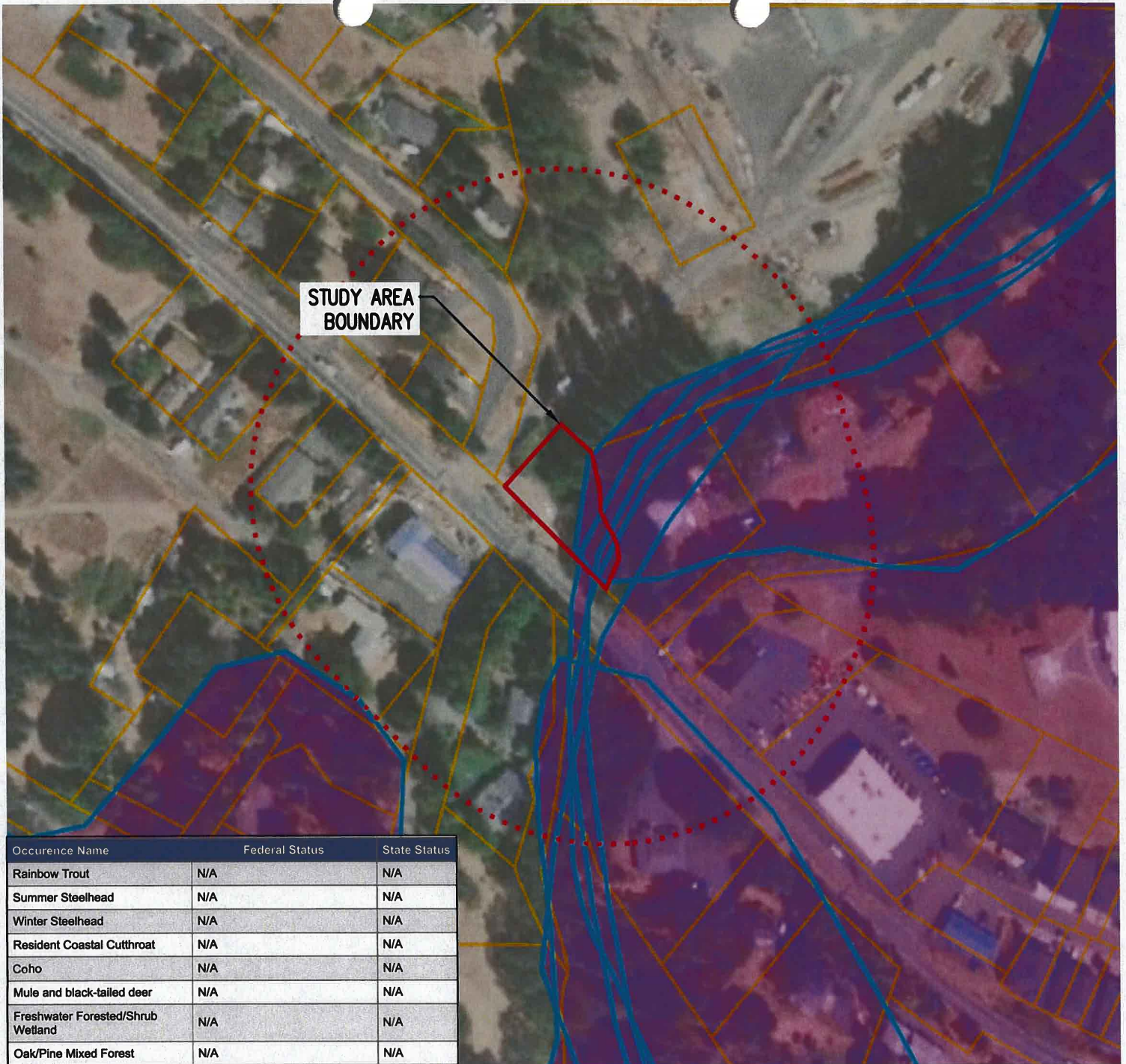


80

DATE: 05/24/2021

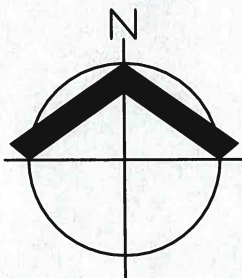
NATIONAL WETLAND INVENTORY MAP O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY		FIGURE 4
AKS ENGINEERING & FORESTRY, LLC 9600 NE 126TH AVE, STE 2520 VANCOUVER, WA 98682 P: 360.882.4140 F: 360.882.4126 www.aks-engineers.com		DRWN: SAS CHKD: SAR A: 117



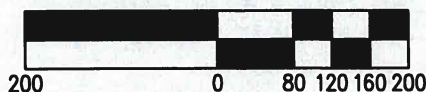


Occurrence Name	Federal Status	State Status
Rainbow Trout	N/A	N/A
Summer Steelhead	N/A	N/A
Winter Steelhead	N/A	N/A
Resident Coastal Cutthroat	N/A	N/A
Coho	N/A	N/A
Mule and black-tailed deer	N/A	N/A
Freshwater Forested/Shrub Wetland	N/A	N/A
Oak/Pine Mixed Forest	N/A	N/A
California mountain kingsnake	N/A	Candidate
Northern Spotted Owl	Threatened	Endangered

WASHINGTON DEPARTMENT OF FISH & WILDLIFE (WDFW)
PHS ON THE WEB (2017)



SCALE: 1" = 200 FEET



DATE: 05/24/2021

**PRIORITY HABITAT AND SPECIES MAP
O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY**

**FIGURE
5**

AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, STE 2520
VANCOUVER, WA 98682



DRWN: SAS
CHKD: SAR

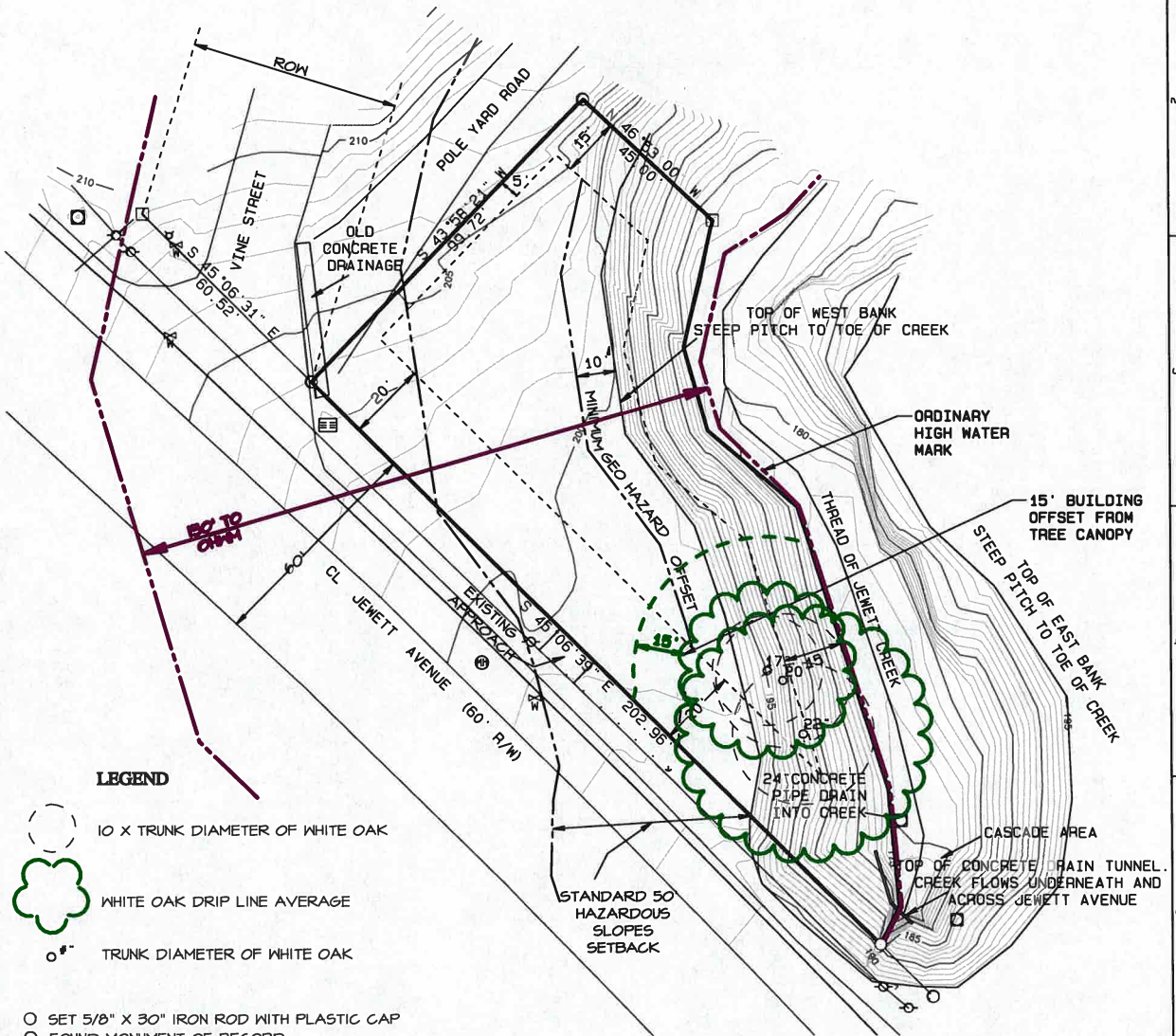
118

81

File Path: \\170.202.210.002\B382-0426\chris-eng.com

EXISTING CONDITIONS

PARCEL#03113012001400 LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KLIKITAT COUITY, WASHINGTON



- LEGEND**
- 10 X TRUNK DIAMETER OF WHITE OAK
 - WHITE OAK DRIP LINE AVERAGE
 - 0.8" TRUNK DIAMETER OF WHITE OAK
 - SET 5/8" X 30" IRON ROD WITH PLASTIC CAP
 - FOUND MONUMENT OF RECORD
 - CALCULATED, NOT FOUND OR SET
 - DEED OR PLAT CALL
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - STORM DRAIN
 - WATER VALVE
 - CATCH BASIN
 - POWER POLE
 - GUY WIRE ANCHOR
 - OHWM ORDINARY HIGH WATER MARK

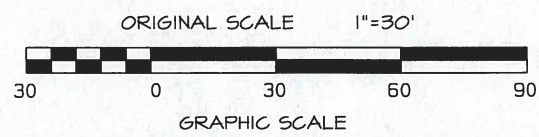


Figure 6
EXISTING CONDITIONS DATA AS PER TERRA SURVEYING

0:\2019\B172\19B172.pro

JOB NO.	19B172
DATE	4/12/21
DRAWN BY	REVIEWED BY
JND	ARS
REVISIONS	DATE
SHEET NO.	C1.00
OF 0 SHEETS	

EXISTING CONDITIONS

WHITE SALMON WASHINGTON

BELL DESIGN COMPANY

CIVIL ENGINEERING LAND SURVEYING

900 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605

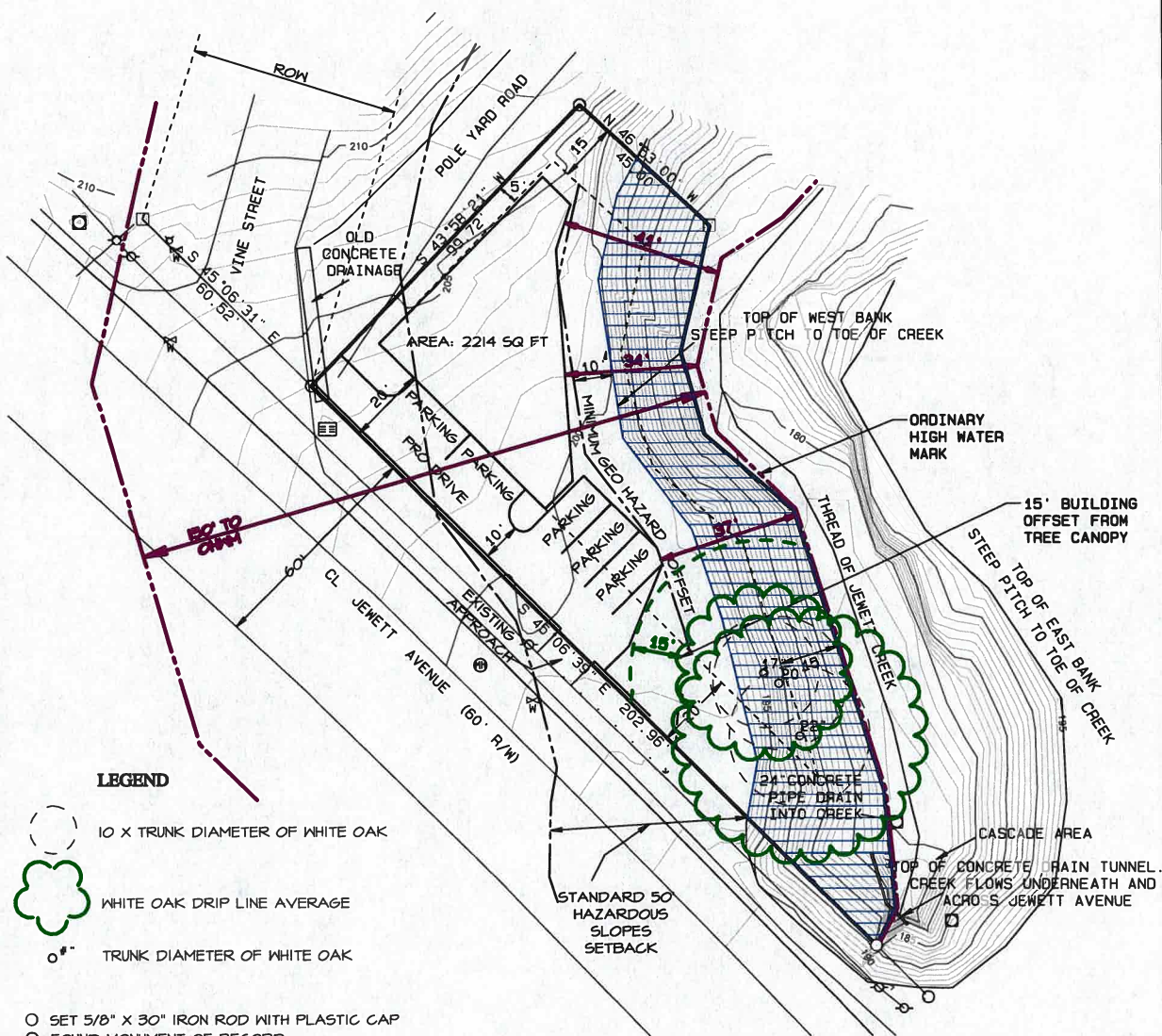
PHONE (509) 443-3086, FAX (509) 443-3085

belldesigncompany.com

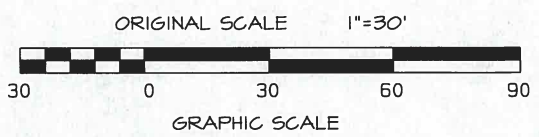
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PROPOSED DUPLIX BUILDING ENVELOPE

PARCEL #03113012001400 LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KLICKITAT COUNTY, WASHINGTON



- LEGEND**
- 10 X TRUNK DIAMETER OF WHITE OAK
 - WHITE OAK DRIP LINE AVERAGE
 - 6" TRUNK DIAMETER OF WHITE OAK
 - SET 5/8" X 30" IRON ROD WITH PLASTIC CAP
 - FOUND MONUMENT OF RECORD
 - CALCULATED, NOT FOUND OR SET
 - DEED OR PLAT CALL
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - STORM DRAIN
 - WATER VALVE
 - CATCH BASIN
 - POWER POLE
 - GUY WIRE ANCHOR
 - CHWM ORDINARY HIGH WATER MARK
 - RIPARIAN ENHANCEMENT AREA - 4030 S.F.



To be planted with native trees and shrubs per attached Planting Table

EXISTING CONDITIONS DATA AS PER TERRA SURVEYING
Figure 7

0:\2019\B172\19B172.pro

JOB NO.	19B172
DATE	4/12/21
DRAWN BY	JND
REVIEWED BY	ARB
DATE	
SHEET NO.	C1.00
TOTAL SHEETS	02/19

**PROPOSED
DUPLIX BUILDING ENVELOPE**
JOHN O'DONNELL
WHITE SALMON WASHINGTON



BELL DESIGN COMPANY
CIVIL ENGINEERING LAND SURVEYING
900 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605
PHONE (509) 493-3086, FAX (509) 493-3085
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Attachment 2. Representative Site Photographs

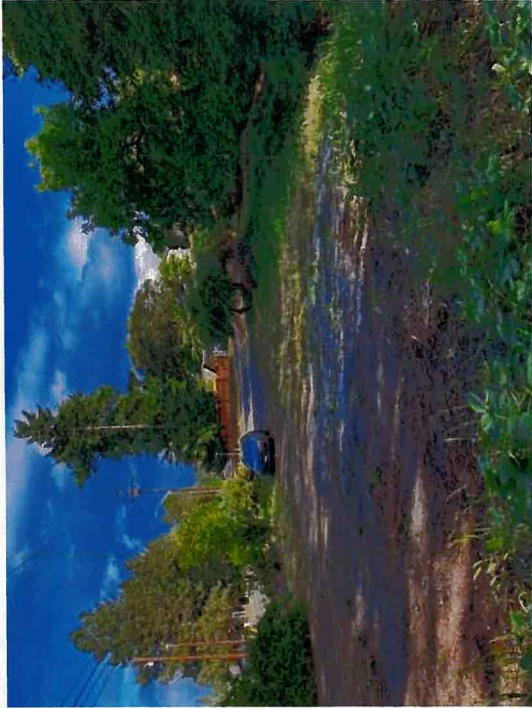


Photo A. View looking north of proposed development area within existing 150-foot riparian buffer.

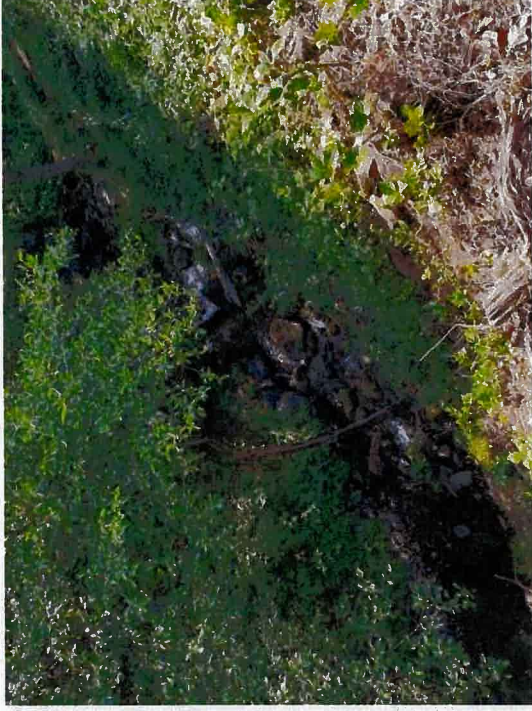


Photo B. View facing east of invasive morning-glory within on-site riparian area adjacent to Jewett Creek.

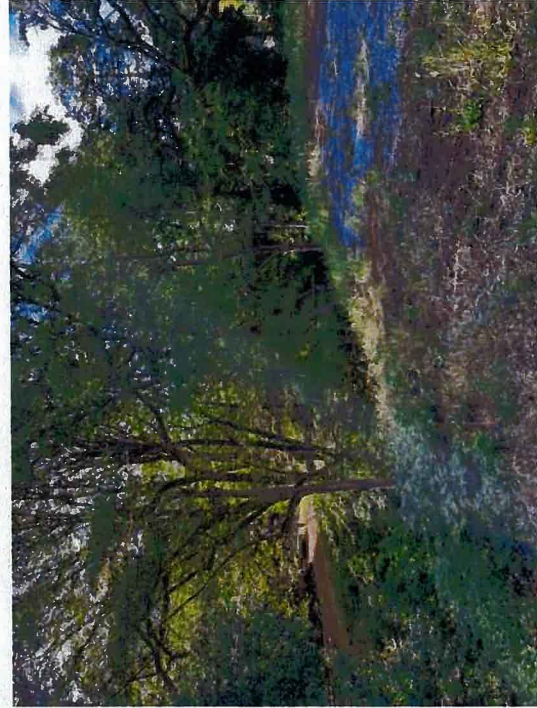


Photo C. View looking southeast of on-site degraded condition riparian area.

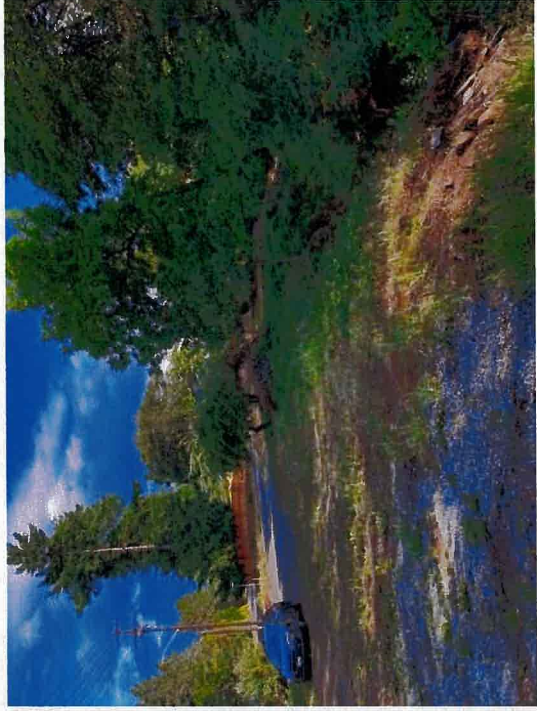


Photo D. View looking north of on-site degraded condition riparian area to be enhanced with native trees and shrubs as part of this project.



Attachment 3. Riparian Buffer Enhancement Planting Plan

O'Donnell Property Riparian Buffer Enhancement Planting Specifications

Planting specifications for the enhancement of 4,838 square feet of existing riparian buffer understory.

Scientific Name	Common Name	Size*	Spacing (on-center)	Quantity
Trees (10)				
<i>Quercus garryana</i>	Oregon white oak	2 gallon	12 feet	10
Shrubs (100)				
<i>Acer circinatum</i>	vine maple	1 gallon	4-5 feet	20
<i>Holodiscus discolor</i>	oceanspray	1 gallon	4-5 feet	20
<i>Mahonia aquifolium</i>	holly-leaf Oregon grape	1 gallon	4-5 feet	20
<i>Rosa nutkana</i>	Nootka rose	1 gallon	4-5 feet	20
<i>Symphoricarpos albus</i>	common snowberry	1 gallon	4-5 feet	20

**Bare root plants may be substituted for container plants based on availability. If bare root plants are used, they must be planted during the late winter/early spring dormancy period.*

Planting Notes:

- 1) Plantings should preferably be installed between March 1 and May 1 for bare roots and seeds and between September 1 and October 1 for containers. Plants may be installed at other times of the year; however, additional measures may be necessary to ensure plant survival during the two-year maintenance period. Bare root plants must be installed during the late winter/early spring dormancy period.
- 2) Irrigation may be necessary for the survival of the enhancement plantings. Irrigation is recommended during the first three years or until plants become established. Watering shall be provided at a rate of at least one inch per week between June 15 and October 15.
- 3) Plantings shall be mulched a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth around newly installed plant material.
- 4) Shrub plantings shall be protected from wildlife damage by installing tree-protector tubes or wire mesh cylinders around newly installed plantings.