



White Salmon Planning Commission Meeting
A G E N D A
June 24, 2026 – 5:30 PM
119 NE Church Ave and via Zoom Teleconference

Meeting ID: [881 6430 6283](#)
Call in Number: 1 (253) 215-8782 US (Tacoma)

Call to Order/Roll Call

Public Comment

Members of the public attending the meeting, either in person or via Zoom, are welcome to provide general public comment. Each speaker will be allotted three minutes.

Action Items

- [1.](#) Request for Reconsideration – WS-SPR-2026.002, Chaves project at 130 SE Wyers Ave

Discussion Items

- [2.](#) Short-term rentals in Commercial zones

Adjournment



File Attachments for Item:

1. Request for Reconsideration – WS-SPR-2026.002, Chaves project at 130 SE Wyers Ave

Request for Reconsideration pursuant to WSMC 19.10.260

Permit: WS-SPR-2026.002 — 130 SE Wyers Street

Submitted by: Juan Chaves, Janae Papazian, and Peter Wright, Parties of Record

Date: June 1, 2026

Juan Chaves, Janae Papazian, and Peter Wright respectfully request reconsideration of the Planning Commission's May 27, 2026 decision approving WS-SPR-2026.002 with conditions.

Under WSMC 19.10.260, a party of record at a public hearing may seek reconsideration when an obvious legal error has occurred that would change the previous decision. This request identifies three such errors appearing directly in the record:

1. failure to provide parties an opportunity to respond to new staff-submitted evidence proposing a materially new condition, contrary to WSMC 19.10.150(E) and WSMC 19.10.24
2. failure to apply and make findings under the interpretive framework established in WSMC 17.12.030; and
3. approval of an exaction condition without applying the governing standards already articulated in a prior City appeal decision and established under RCW 82.02.020 and Washington case law.

This request is filed June 1, 2026, the fifth calendar day following the May 27 decision, meeting the deadline under WSMC 19.10.260. Reconsideration is not an appeal to the City Council; it is a narrow opportunity for the say o loo hearing body to correct material legal errors before the decision becomes final. The Commission is obligated to consider this request at its next regularly scheduled meeting on June 10, 2026. Administrative scheduling issues and venue conflicts do not alter that obligation.

Error One: Improper Closure of the Public Record

At the May 27 hearing, the applicants were present but were given no opportunity to respond to the proposed attachment condition, first introduced in the supplemental staff memo submitted after the May 13 hearing. A written public comment submitted by Peter Wright to staff and all commissioners before the May 27 hearing was also excluded from the record as improper ex parte contact.

On May 13, the Commission voted to continue the public hearing and requested additional staff analysis on whether the proposed configuration could be approved as two duplexes or was required to be one multiplex building. The Commission did not vote to deliberate on a closed record as it existed on May 13. Whatever the Chair may have said at the close of the May 13 hearing, the operative action was the Commission's vote to continue the public hearing for further staff analysis on a disputed issue that remained open.

WSMC 19.10.150(E) provides that public comments may be submitted at any time up to and during the public hearing. WSMC 19.10.240 establishes the hearing sequence: staff presentation and administrative reports, applicant presentation, public testimony, rebuttal or clarifying statements by staff and the applicant, and then closure of the evidentiary portion before deliberation.

That order matters. Staff analysis is not neutral background once it proposes a new condition affecting the applicant's rights and the interests of other parties of record. It becomes both evidence and recommendation on a contested issue, carrying institutional weight that private comment does not. The code places public testimony, applicant response, and rebuttal after staff presentation so the applicant and participating parties can respond before the record closes.

The supplemental staff memo supplied the substantive basis for Condition 12. The final decision adopted that approach by requiring the four dwellings to be structurally attached by a floor-to-ceiling wall and to share a foundation and roof. Because staff introduced the condition the Commission ultimately imposed, excluding response to that memo left the Commission with the City's institutional recommendation but not the affected parties' response.

The written comment enclosed as Exhibit A was not general public testimony and was not improper ex parte communication. It was a direct response to the May 20 staff memo, submitted before the continued May 27 public hearing to staff and commissioners at the same time. It identified WSMC 17.12.030 as the source of the Commission's authority to determine whether a use not expressly addressed in the permitted-use section may be allowed in R2.

Ex parte doctrine exists to ensure decision-makers consider information through a fair process, with disclosure and opportunity for response. Excluding the May 26 submission produced the very fairness problem the doctrine exists to prevent: the Commission considered staff's new legal theory and proposed condition, but not the affected parties' response.

At least two commissioners stated on the record that they had not read the submission because they understood it to be an improper ex parte communication. That omission was not harmless. Commissioners who declined to read it then deliberated and voted to impose a condition requiring the project to be redesigned into one multiplex building without considering the Commission's authority to determine whether the proposed two-duplex configuration could be allowed in R2. The procedural error in Error One therefore directly contributed to the legal error in Error Two.

Requested Remedy for Error One

Enter into the record all written public comments submitted up to and including May 27, 2026, including the written comment submitted by Peter Wright on May 26, 2026, enclosed as Exhibit A. The Commission should consider those submissions as part of its reconsideration deliberations.

Error Two: The Commission Did Not Apply the Required Interpretive Framework Under WSMC 17.12.030

WSMC 17.12.030 delegates to the Planning Commission authority to determine whether uses not expressly addressed in the permitted use provisions are in general keeping with the uses already permitted in the zone.

The application proposed four residential units in two duplex buildings connected by a breezeway. Staff recommended approval of that configuration as a multiplex, even though two duplexes on one lot is not expressly listed as a permitted use in R2. The Commission ultimately determined that the proposal as submitted could not be approved as a multiplex use and required the buildings to be redesigned into a single structure sharing a wall, foundation, and roof.

That determination did not resolve whether the proposed two-duplex configuration could be approved. It established only that a breezeway did not convert two duplexes into one multiplex building as an expressly permitted use. Once the Commission reached that conclusion, the next step was to determine whether the proposed two-duplex configuration was permissible under WSMC 17.12.030 by evaluating whether four residential units in two separate structures were in general keeping with a multiplex and other residential uses already permitted in R2.

No such finding was made. Instead, the Commission moved directly from determining that the project as submitted was not a multiplex to concluding that it needed to be redesigned as one.

In addition to having a right to respond to newly proposed conditions through the quasi-judicial process, applicants are entitled to a determination of whether their project is permissible as submitted under all applicable code provisions before being required to redesign it into something else.

The written comment submitted by Peter Wright on May 26, 2026 and enclosed as Exhibit A addresses the governing framework in detail. The Commission should consider it as part of this reconsideration request regardless of how Error One is resolved.

Requested Remedy for Error Two

The Commission should make express findings at its next regularly scheduled meeting addressing whether the proposed residential configuration is in general keeping with the residential uses already authorized in R2 under WSMC 17.12.030. If the Commission makes that finding, it should revise the decision accordingly. The existing record is sufficient for that determination and no additional evidentiary process is required.

If the Commission does not remove Condition 12, it should at minimum clarify a matter the applicants had no opportunity to raise at the May 27 hearing: construction of one duplex structure within the footprint and scope of the original application may proceed through the applicable Type I-A building-permit process

Error Three: Alley Paving Was Imposed Without Applying the Governing Exactions Framework

Condition 4 requires the applicant to improve the public alley frontage abutting the property. Although narrowed during deliberations to frontage-only improvement, the legal issue is the same: a public infrastructure condition was imposed without the nexus and proportionality analysis required by RCW 82.02.020 and controlling Washington case law.

The lack of evidence supporting the alley-paving exaction was raised in the May 13 record. The White Salmon Hearing Examiner addressed materially similar conditions in WS-SP-2024-04. That decision was included in the record through public submission before the May 13 hearing and was documented in City records. Nevertheless, the issue did not appear in the supplemental staff memo for the May 27 hearing and went unaddressed before the condition was imposed.

The examiner held that such conditions are exactions governed by RCW 82.02.020 and the *Burton v. Clark County* four-part test requiring project-specific nexus and proportionality findings. In that prior decision, the examiner struck the unsupported conditions; he did not remand to allow the City to supplement the record after the fact.

No project-specific nexus or proportionality findings appear in the present record. The record does not establish that the alley improvement is necessary as a direct result of this four-unit residential proposal, nor that the cost and scope of the frontage improvement are proportional to the project's identified impacts.

A condition imposed without the evidentiary findings that the City's own Hearing Examiner identified as legally required is an obvious legal error and an independent basis for reconsideration.

Requested Remedy for Error Three

Strike Condition 4 as unsupported by the record.

Respectfully submitted,

Juan Chaves and Janae Papazian
130 SE Wyers Street, White Salmon WA 98672

Peter Wright
420 NE Green Street, White Salmon WA 98672

Enclosures:

- Exhibit A: Written Public Comment, Peter Wright, May 26, 2026



CITY OF WHITE SALMON

PLANNING DEPARTMENT

MEMORANDUM

Date: 6/22/2026
From: Rowan Fairfield, City Planner
To: Planning Commission
Subject: Requests for Consideration

The following sections of the White Salmon Municipal Code are relevant.

19.10.260 - Reconsideration.

A party of record at a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within five calendar days of the oral announcement of the final decision. The request shall comply with Section 19.10.310(B) of this code. The council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

19.10.010 - Purpose and definitions.

3. "Closed record hearing" means an administrative closed record hearing before the city council based upon the record following an open record hearing on a project permit application. The hearing is on the record with no new evidence or information allowed to be submitted. In an appeal, at the city council's discretion, the council may allow argument based upon the record established at the open record hearing.

19.10.250 - Procedures for closed record hearings and appeals.

Closed record hearings shall be conducted in accordance with the city council's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record hearings shall be conducted generally as provided for other public hearings. Except as provided in Section 19.10.270 of this code, no new evidence or testimony shall be given or received. The parties to an appeal of a decision may submit timely written statements or arguments.



CITY OF WHITE SALMON

PLANNING DEPARTMENT

19.10.240 - Procedures for public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. Questions directed to the staff or the applicant shall be posed by the chair at its discretion. In cases where scientific standards and criteria affecting project approval are at issue, the chair shall allow orderly cross-examination of expert witnesses presenting reports and/or scientific data and opinions. The hearing body may address questions to any party who testifies at a public hearing. The chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.*
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.*
- C. Testimony or comments by the public germane to the matter.*
- D. Rebuttal, response or clarifying statements by the staff and the applicant.*
- E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.*

To summarize, the Planning Commission will first decide, by a typical motion, whether to grant the request for reconsideration. *“Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.”*

If the request is granted, the Commission then chooses whether to revise and reissue the decision immediately, or to call for argument using the “closed record appeals” procedure. Closed records means that *“no new evidence or testimony shall be given or received.”*

PLANNING COMMISSION MOTION

May 27, 2026

Moved by Carl Trabant. Seconded by Michael Morneault.

Motion to **APPROVE WITH CONDITIONS** the Site and Building Plan Review, planning file # WS-SPR-2026.002, based on the findings, standards, conclusions and recommendations stated in the staff report, except for the following items, which is to change the requirement for improving the alley, from the property all the way to First, to just at the property, and, in addition to that, it needs to be a single structure, connected by at least one wall from floor to ceiling and sharing a foundation and roof, and, to include a requirement for an arborist report stating that it's acceptable to remove the cedar tree without endangering the fir tree on the adjacent lot.

MOTION CARRIED 3-2

Trabant – Aye. Price – Aye. Morneault – Aye. Brown – Nay. Loker – Nay.

Conditions of Approval

1. All residences shall be connected to public water and sewer utilities, including provision of engineered pump systems, if such systems are deemed necessary.
2. Sewer laterals shall be tapped off the sewer main at a 90-degree angle, per the Public Works Department.
3. The two trees removed shall be replaced at a 2-to-1 ratio, according to WSMC 18.40.050. If tree replacements cannot be accommodated on-site, then the applicant or owner shall pay the fee-in-lieu before any building permit is issued, per §18.40.050 (C).
4. The applicant shall pave the alley where it abuts the property, to match the existing grade and join the existing pavement on the eastern portion of the alley.
5. The applicant shall either install permeable pavers for the driveway and parking area off Wyers, or shall install typical impervious pavement and accommodate that increased stormwater runoff in its stormwater facility calculations and plans.
6. Driveway construction and alley improvements require a Right-of-Way permit.
7. The applicant shall submit technical drawings of the stormwater facilities (including associated calculations for the design storm and the impervious area) for approval by the city engineer.
8. No structures may be built on any existing or future easements.
9. All new utilities must be underground.
10. Construction hours are between 7 AM – 7 PM.
11. A copy of the Staff Report and building permits shall be retained on-site while project activity is underway.

12. The applicant shall revise the building plans so that the four dwellings are structurally attached by at least one wall from floor to ceiling, and form a single building, sharing a foundation and roof. The revised building plans can be submitted for a building permit and approved by staff with a typical Type I-A process.
13. Before removing the significant cedar tree, the applicant shall submit an arborist report stating that it's acceptable to remove the cedar tree without endangering the fir tree on the adjacent lot.

File Attachments for Item:

2. Short-term rentals in Commercial zones



CITY OF WHITE SALMON PLANNING DEPARTMENT

MEMORANDUM

Date: 6/22/2026
From: Rowan Fairfield, City Planner
To: Planning Commission
Subject: Short Term Rentals in Commercial Zone (C)

From the 2026 Planning Commission Workplan:

Activity 2: Short-term rentals in Commercial Zones

The Code limits STRs to be 30% of the dwellings on a single parcel in the C zone. This effectively prohibits all single-family homes in the C zone from being used as a STR (except for legacy/grandfathered cases). Should this be revisited?

Please see the attached sections of the White Salmon Municipal Code:

5.02.030 - Permitting and renewal procedures.

17.57.050 - Additional use restrictions—Commercial zones (C).

For properties such as 186 and 196 W Jewett to be eligible for Short-Term Rental permits, subsections A and B would need to be amended, because they face a “commercial street” as defined in Title 17.

17.08.145 - Commercial street.

“Commercial street” means a street dominated by commercial uses. Specifically, commercial streets include Jewett Boulevard between Northwest Garfield Avenue and Northeast Pioneer Place or Southeast 5th Avenue; North Main Avenue from West Jewett Boulevard to NW Lincoln Street; NE Church Avenue from West Jewett Boulevard to NE Lincoln Street; NE Estes Avenue from East Jewett Boulevard to NE Tohomish Street; NE Wauna Avenue from East Jewett Street to NE Tohomish Street.

“The 30% rule”

| | | | | | |
|---------------------------|-----|-----|-----|-----|-----|
| Units on Parcel | 1 | 2 | 3 | 4 | 5 |
| Units x 30% | 0.3 | 0.6 | 0.9 | 1.2 | 1.5 |
| Max Number after Rounding | 0 | 1 | 1 | 1 | 1 |

5.02.030 - Permitting and renewal procedures.

A short-term rental permit shall be obtained and/or renewed as required in this section. This permit is in addition to the city business license required under WSMC Ch. 5.04, and the supplemental zoning regulations under WSMC Ch. 17.57. The ability to operate a short-term rental in the city of White Salmon shall be discontinued in the event the owner fails to obtain or renew a permit to operate as provided in this chapter.

- A. Application and Renewal Process. A person engaging in operation of a short-term rental who has not yet obtained a permit, or who is required to renew an existing operating permit, shall do so as follows:
1. Time for Application.
 - a. New Permits. For new short-term rental permits, it is the responsibility of the owner or contact person to apply for and receive a permit prior to operation of a short-term rental. Short-term rental permits shall be processed as a short-term rental use permit. Applications for short-term rental uses shall be processed administratively by the city administrator or designee.
 - b. Existing Short-term Rentals. A completed permit renewal application and renewal fee is due for all existing short-term rentals annually by January 31.
 2. Notice. Prior to the January 31 annual due date, the city shall send notice of the need for a permit or expiration of a permit to the owner of any property for which an application is due as follows:
 - a. For the first permit required for any short-term rental in the city, it is the owner's obligation and responsibility to apply for a permit.
 - b. For permit renewal, notice will be sent to the mailing and email addresses of the owner and contact person as provided to the city on the application.
- B. Exemption for Existing "Legacy" Homeshares and Vacation Homes with the RL, R1, R2, and R3 Zones. For the purposes of this section, an existing "legacy" homeshare or vacation home is one which meets all the standards and criteria in WSMC Ch. 5.02 that were in place prior to the adoption of Ordinance 2022-02-1093 on February 16, 2022 and which is capable of demonstrating by a preponderance of credible evidence that all the elements of a nonconforming hosted homeshare or vacation home rental were extant prior to the adoption of Ordinance 2022-02-193 on February 16, 2022 as outline in WSMC 17.57.60 Legacy Permits. Applicants shall be subject to the most current fees in place for yearly permit renewal.
- C. Exemption for Existing "Legacy" Short-Term Rentals within the Commercial Zones. For the purposes of this section, an existing "legacy" short-term rental is one which meets the standards and criteria of WSMC Ch. 5.02 in effect prior to the adoption of Ordinance 2022-02-

1093 on February 16, 2022. The extent of the nonconformity and exemption shall be limited to compliance with the standards that were in effect in WSMC Ch. 5.02 prior to the adoption of Ordinance 2022-02-1093 on February 16, 2022 and shall remain exempt from new regulations provided the use is vested. The applicant has the burden of proving by a preponderance of credible evidence that all the elements of a nonconforming short-term rental in the commercial zone were extant and vested under RCW 19.27.095 prior to the adoption of Ordinance 2022-02-1093 on February 16, 2022.

D. Quantity of Permits by Location and Owner.

1. Maximum Number of Permits Per Owner.

- a. A maximum of one hosted homeshare or vacation home rental permit shall be issued per owner-occupied property in the RL, R1, R2 and R3 zones.
- b. There is no limit on the number of short-term rental permits a property owner may obtain in the Commercial zones.

2. Cap on Permits in the RL, R1, R2 and R3 Zones. The city shall limit the total amount of hosted homeshare and vacation home rental permits issued in the RL, R1, R2, and R3 zones to a maximum of ten percent of housing units within the city and shall be adjusted annually by the city administrator or designee based upon the most recent housing data reported by the City of the White Salmon to the Washington Office of Financial Management prior to issuance of new permits.

3. Commercial Zones. There is no cap on the number of short-term rental permits in the commercial zones. No more than thirty percent of residential units on any given parcel in the commercial zoning district may be used as short-term rentals. This number shall be rounded to the nearest integer, with a half integer rounded down, depending on the number of existing or proposed units.

For example:

| Units on Parcel | Maximum Number of Short-term Rentals |
|-----------------|--------------------------------------|
| Up to 5 units | 1 |
| 6 to 8 units | 2 |
| 9 to 11 units | 3 |
| 12 to 14 units | 4 |
| 15 to 18 units | 5 |

| | |
|----------------|---|
| 19 to 21 units | 6 |
| 22 to 25 units | 7 |

- E. Queue. In the event the maximum number of permits issued by the city within any given year reaches the ten percent threshold, the city administrator or their designee shall accept and tentatively approve conforming hosted homeshare and vacation home rentals on a first come first serve basis with the condition that a license will not be issued until such time that a permit becomes available. The queue list shall be administered and updated as needed to monitor the cap on permits for hosted homeshares and vacation home rentals by the city administrator or their designee and be made available on the city website.
- F. Permit Expiration. For renewals, upon expiration of a thirty-day late period commencing January 31 of each year, the ability to operate shall be conclusively presumed to be discontinued and the city will commence revocation of the permit pursuant to the procedures in WSMC 5.02.045.

(Ord. No. 2019-12-1052, § 1, 12-4-2019; Ord. No. 2022-02-1093, § 1, 2-16-2022)

17.57.050 - Additional use restrictions—Commercial zones (C).

- A. Short-term rentals are permitted only when no more than thirty percent of residential units on a parcel in the commercial zoning district are for the purpose of short-term rental. This number shall be rounded to the nearest integer, with a half integer rounded down, depending on the number of existing or proposed units.
- B. Apart from existing short-term rentals in the commercial zones which meet the requirements of WSMC 17.57.060, no new short-term rental shall be permitted to occupy a ground floor space with commercial street frontage.

(Ord. No. 2022-02-1097, § 1, 2-16-2022)