

White Salmon City Council Meeting

A G E N D A

May 05, 2021 – 6:00 PM

Via Zoom Teleconference

Meeting ID: 829 3703 0191 Passcode: 562306

Call in Numbers:

669-900-6833

929-205-6099

301-715-8592

346-248-7799

253-215-8782

312-626-6799



We ask that the audience call in instead of videoing in or turn off your camera, so video does not show during the meeting to prevent disruption. Thank you.

I. Call to Order, Presentation of the Flag and Roll Call

II. Changes to the Agenda

III. Consent Agenda

A. Personal Services Contract, Community Connection Consulting - Race, Bias & Dissonance Workshop (\$9,200)

B. Approval of Meeting Minutes - April 21, 2021

C. Approval of Meeting Minutes - April 26, 2021

IV. Public Comment

Public comment will not be taken during the teleconference. Public comment submitted by email to Jan Brending at janb@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, May 5, 2021 will be read during the city council meeting and forwarded to all city council members. Please include in the subject line "Public Comment – May 5, 2021 Council Meeting." ***Please indicate in your comments whether you live in or outside of the city limits of White Salmon.***

V. Presentations

A. Asian American and Pacific Islander Heritage Month - Janet O'Sullivan

VI. Business Items

- A. Critical Area Heritage Tree Variance Request 2021-001, Andrew Chandler
1. Presentation
 2. Discussion
 3. Action

VII. Reports and Communications

- A. Department Heads
B. Council Members
C. Mayor

VIII. Executive Session (if needed)

IX. Adjournment

File Attachments for Item:

A. Personal Services Contract, Community Connection Consulting - Race, Bias & Dissonance Workshop (\$9,200)

**CITY OF WHITE SALMON
PERSONAL SERVICES CONTRACT**

This contract is between the City of White Salmon and Community Connection Concerns, hereafter called Contractor. City’s Contract Administrator for this contract is Jan Brending, Clerk Treasurer.

Effective Date and Duration

This contract shall become effective on the date at which every party has signed this contract. This contract shall expire, unless otherwise terminated or extended on December 31, 2021.

Statement of Work

(a) The scope of work and Special Terms and Conditions (if any) are contained in Exhibit A, Race, Bias & Dissonance – Workshop Proposal attached hereto and by this reference made a part hereof.

Consideration

- (a) City agrees to pay Contractor up to \$9,200.00
- (b) for time, materials and expenses incurred in the performance of duties as identified in Exhibit A, Race, Bias & Dissonance – Workshop Proposal.
- (c) Monthly invoices shall be submitted to the City itemizing all time, materials and expenses incurred as planning consultant to the City, breaking down such expenses by project per Exhibit A, Race, Bias & Dissonance – Workshop Proposal.

Amendments

The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written instrument signed by both parties.

Terms and conditions listed on page two

CONTRACTOR DATA, CERTIFICATION, AND SIGNATURE

Name (please print): Community Connection Consulting Address: 2720 N 10th St, #A262
Renton, WA 98057
(206) 295-1365
greg@cconnectconsult.com

Federal Tax ID No:
Washington UBI No.

Citizenship: Non resident alien Yes No

Business Designation (Check one): Individual Sole Proprietorship
 Partnership Estate/Trust
 Corporation Public Service Corporation
 Governmental/Nonprofit

Payment information will be reported to the IRS under the name and taxpayer ID number provided above. Information must be provided prior to contract approval. Information not matching IRS records could subject Contractor to 31 percent backup withholding.

I, the undersigned: agree to perform work outlined in this contract in accordance to the terms and conditions (listed on the front and backside and made part of this contract by reference) and the statement of work made part of this contract by reference hereby certify under penalty of perjury that I/my business am not/is no in violation of any Washington tax laws; and thereby certify I am an independent contractor. As noted in No. 21 of the Standard Contract Provisions, where required for Federal funding, Contractor certifications and signatures apply to Exhibits C and D.

Approved by the Contractor: _____
 Signature Date

Approved by the City: _____
 Marla Keethler, Mayor Date

STANDARD CONTRACT PROVISIONS FOR PERSONAL SERVICES (NON-PERS MEMBERS)

1. Retirement System Status

Contractor is not a contributing member of the Public Employees' Retirement System and is responsible for any federal or state taxes applicable to any comprehensive or payments paid to contractor under this contract. Contractor is not eligible for any benefits from these contract payments of federal Social Security, unemployment insurance, or workers compensation except as a self-employed individual.

2. Effective Date and Duration

The passage of the contract expiration date (as recorded on reverse side) shall not extinguish, prejudice or limit either party's right to enforce this contract with respect to any default or defect in performance that has not been cured.

3. Government Employment Status

If this payment is to be charged against federal funds, Contractor certifies it is not currently employed by the federal government.

4. Subcontractors and Assignment

Contractor shall not enter into any subcontractors for any other work scheduled under this contract without prior written consent of the City. Subcontractors exceeding \$20,000 in cost shall contain all required provisions of the prime contract.

5. Dual Payment

Contractor shall not be compensated for work performed under this contract by any other municipality of the State of Washington.

6. Funds Available and Authorized

City certifies at the time of contract execution that sufficient funds are available and authorized for expenditure to finance costs of this contract within the City's appropriation or limitation.

7. Termination

- (a) This contract may be terminated by mutual consent of both parties, or by the City upon 30 days' notice in writing and delivered by certified mail or in person.
- (b) City may terminate this contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the City, under any of the following conditions:
 - (i) If City funding from federal, state or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quality of services. The contract may be modified to accommodate a reduction in funds.
 - (ii) If federal or state regulations or guidelines are modified, changes or interpreted in such away that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.
 - (iii) If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this contract is for any reason denied, revoked or no renewed. Any such termination of this contract under subparagraphs 7(a) or 7(b) shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.
- (c) The City may terminate the whole or any part of this agreement by written notice of default (including breach of contract) to the Contractor.
 - (i) If the Contractor fails to provide services called for by this contract within the time specified herein or any extension thereof, or
 - (ii) If the Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from the City, fails to correct such failures within 10 days or such other period as the City may authorize.

The rights and remedies of the City provided in the above clause related to defaults (including breach of contract) by the Contractor shall not be exclusive and are in addition to any other rights and remedies provide by law or under this contract.

8. Access to Records

City, the Secretary of State's Office of the State of Washington, the federal government, and their duly authorized representatives shall have access to the books, documents, papers and records of the Contractor directly pertinent to the specific contract for the purpose of making audit, examination, excerpts and transcripts of the period of three (3) years after final payment. Copies of applicable records shall be made available upon request. Payment for cost of copies is reimbursable by City.

9. State Tort Claims Act

Contractor is not an officer, employee or agent of the State or City as those terms are used in RCW 4.96.020.

10. Compliance with Applicable Law

Contractor shall comply with all federal, state and local laws and ordinances applicable to the work under this contract.

11. Indemnification

- (a) Indemnity-Claims for Other than Professional Liability
Contractor shall defend, save and hold harmless the City their officers, agents and employees from all claims, suites or actions of whatsoever nature, including international acts resulting from or arising out of the Contractor or its subcontractors, agents or employees under this agreement. The Contractor waives, with respect to the City, its immunity under industrial insurance, Title 51 RCW. This waiver has been mutually negotiated by the parties. This indemnification shall survive the expiration or termination of this Agreement.
- (b). Indemnity-Claims for Professional Liability

Contractor shall defend, save and hold harmless the City, their officers, agents and employees, from all claims, suits or actions arising out of the professional negligent acts, errors or omissions of Contractor or its subcontractors and subconsultants, agents or employees in performance of professional services under this agreement.

12. Insurance

- (a) Liability Insurance. Contractor shall maintain occurrence form commercial general liability and automobile liability insurance for the protection of he contractor, the City, its commissioners, employees, and agents. Coverage shall include personal injury, bodily injury, including death, and broad form property damage, including loss of use of property, occurring in the course of or in any way related to Contractor's operations, in an amount not less than \$1,000,000.00 combined single limit per occurrence. Such insurance shall name the City as an additional insured with a coverage endorsement at least as broad as ISO CG 20 10 10 01.
- (b) Workers' Compensation Coverage. Contractor certifies that Contractor has qualified for State of Washington Workers' Compensation coverage for all Contractor's employees who are subject to Washington's Workers' Compensation statute, either as a carrier-insured employer as provided by RCW Chapter 51 or as a self-insured employer.
- (c) Certificates. Within 10 calendar days after full execution of this contract, Contractor shall furnish the City with certificates evidencing the date, amount, and type of insurance required by this contract. All policies shall provide for not less than thirty (30) days' written notice to the City before they may be canceled.
- (d) Primary Coverage. The coverage provided by insurance required under this contract shall be primary, and shall not seek contribution from any insurance or self-insurance carried by the City.

13. Ownership of Work Product

All work products of the Contractor which result from this contract are the exclusive property of the City.

14. Nondiscrimination

Contractor agrees to comply with all applicable requirements of federal civil rights and rehabilitation statutes, rules and regulations. Contractor also shall comply with the Americana with Disabilities Act of 1990 (Pub L No. 101-336) including Title II of that Act, and all regulations and administrative rules established pursuant to that law.

15. Successors in Interest

The provisions of this contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns.

16. Execution and Counterparts

This contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

17. Force Majeure

Neither party shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, acts of God and war which is beyond such party's reasonable control. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance or its obligations under the contract.

18. Severability

The parties agree that if any terms or provisions of this contract is declared by the court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular terms or provisions held to be invalid.

19. Errors

The contractor shall perform such additional work as may be necessary to correct errors in the work required under this contract without undue delays and without additional cost.

20. Waiver

The failure of the City to enforce any provisions of the contract shall not constitute a waiver by the City of that or any other provision.

21. Other Requirements

When federal funds are involved in this contract, Contractor Debarment and Non-Collusion certifications and signatures apply to Exhibit C and D.

22. Governing Law

The provisions of this contract shall be construed in accordance with the provisions of the laws of the State of Washington. Any action or suit involving any question arising under this contract must be brought in the appropriate court of the state of Washington, Skamania County.

23. Attorney Fees

The prevailing party shall be entitled to reasonable attorney fees at trial and on appeal in an action brought with respect to this contract.

24. Merger Clause

THIS CONTRACT AND ATTACHED EXHIBITS CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THE CONTRACT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE IF MADE, SHALL BE EFFECTIVE ONLY IN SPECIFIC INSTANCES AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. CONTRACTOR, BY THE SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS CONTRACT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.



COMMUNITY CONNECTION CONSULTING

Exhibit A

Race, Bias & Dissonance - Workshop Proposal City of White-Salmon

Mayor Marla Keethler
509-493-1133
100 N. Main St.
White Salmon, Wa 98672
mayor@ci.white-salmon.wa.us

Biographical description

Racism, Implicit bias, and cognitive dissonance cause many decision makers to make critical errors in judgment that often seriously impact the lives of others adversely, leading to life altering consequences. While feeling certain about the conclusions that they've reached. These decisions often influence, impact, and deny people of color equitable access to quality healthcare, education, fair housing, employment, and economic opportunity as well as equal and fair justice within the criminal justice system. This workshop uses an African American perspective as a model to increase knowledge, awareness, and challenges us to learn how to identify our own biases and dissonance as a starting point for beginning courageous dialogue that leads to awareness, racial healing and equitable opportunities for all people within our society.

This workshop is an introduction to the concept & connection of racism, implicit bias & cognitive dissonance and how they intersect, operate & support each other through decisions that we make in our day-to-day routines within the workplace, home and community. In RBD we start from the context of knowing and having awareness of our implicit biases. It is highly recommended that participants take the Race & Gender Sciences, Implicit Association Test (IAT), prior to attending these sessions to maximize their experiential learning opportunities (I provide an emailed attachment with instructions for registered participants).

It is through explicit & conscious understanding and awareness of our implicit, unconscious associations/biases that we are capable to become responsible, realizing & knowing why we must join in the collective effort to lay the bricks & mortar of equity/inclusion in building authentic work environments along with personal and community networks of inclusion for all.

Participants will,

- *Increase understanding of how to effectively engage in authentic & meaningful dialogue about race in professional, personal & community environments.*
- *Develop deeper insight in identifying implicit bias & how it impacts equity & inclusion through decisions that we make in our daily routines.*
- *Gain greater knowledge of the distorted historical context & how it impacts people of color.*
- *Learn concrete action steps to eliminate systemic oppression through policy, practices & procedures in your workplace, personal & community networks.*

5 sessions, 2/3-hour sessions, for **City Staff & Management** & 3/2-hour sessions for **Elected Officials**. The 5 session will provide opportunity for each group to cover 6-hours of content equivalent to the full day course that I teach at the University of Washington. The sessions offer time for in-depth engagement, interaction with participants that consist of some lecture as well as experiential activities, video, small/large group discussions, and reflection. In addition, a bibliography is provided for continued learning and development after the training has been completed.

The style, method of presentation/selection of materials, activities, and discussions, will create an authentic space for participants who find this topic difficult to approach and discuss. I have observed that this is a good place to begin the dialogue for such individuals, while in the same moment, challenging those who are more advanced in their knowledge and understanding.

Dates & Times

May 11th, 18th, & 25th, from 2pm to 5pm - other sessions dates & times TBD

Participants – More participants can be added to any of the 2-groups without additional cost.

Cost

3/2-hour sessions @ \$1000.00 each = \$3000.00, materials provided via pdf & word documents.
2/3-hour sessions @\$1500. 00 each = \$3000.00

Customization

\$200.00 per-hour, 6-hours = \$1200.00

Preparation

\$200.00 per-hour, 2-hours per session, 10-hours = \$2000.00

Total Cost - \$9200.00

Please feel free to call with any questions,

Thank you,
Greg Taylor

File Attachments for Item:

B. Approval of Meeting Minutes - April 21, 2021



CITY OF WHITE SALMON
City Council Regular Meeting – Wednesday, April 21, 2021
Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

Jason Hartmann
David Lindley
Ashley Post
Jim Ransier
Joe Turkiewicz

Staff Present:

Marla Keethler, Mayor
Pat Munyan, City Administrator
Jan Brending, Clerk Treasurer
Ken Woodrich, City Attorney
Russ Avery, Operations Manager
Mike Hepner, Police Chief
Bill Hunsaker, Building Official/Fire Chief

I. Call to Order, Presentation of the Flag and Roll Call

Marla Keethler, Mayor called the meeting order at 6:00 p.m.

All council members were present.

There were approximately 5 members of the public in attendance.

II Changes to the Agenda

Jan Brending, Clerk Treasurer requested that the following items be added to the Consent Agenda:

- Gray & Osborne Task Order – Michigan Avenue Improvements
- White Salmon Wildfire Risk Mitigation Project Agreement
- WSDOT Agreement for Parklets

Moved by Jason Hartmann. Seconded by Ashley Post.

Motion to add three items to the consent agenda: 1) Gray & Osborne Task Order – Michigan Avenue Improvements, 2) White Salmon Wildfire Mitigation Project Agreement, and WSDOT Agreement for Parklets. CARRIED 5-0.

III. Consent Agenda

- A. Authorization to Submit Grant Application – AARP Community Challenge Grant
- B. Equipment Purchase Contract – Public Works Truck (\$47,943.52)
- C. Approval of Meeting Minutes – March 17, 2021
- D. 2021 February Budget Report
- E. Gray & Osborne Task Order – Michigan Avenue Improvements
- F. White Salmon Wildfire Mitigation Project Agreement
- G. WSDOT Agreement for Parklets
- H. Approval of Vouchers

Vouchers audited and certified as required by RCW 42.24.080 and expense reimbursement claims as required by RCW 42.24.090 as of this 21st day of April, 2021.

Type	Date	From	To	Amount
Claims	4/7/2021	36965	37007	146,877.46
	4/7/2021	EFT	EFT	5,730.00
	4/21/2021	37011	37038	73,467.93
			Claims Total	226,075.39
Payroll	4/5/2021	EFT	EFT	112,854.55
	4/5/2021	36962	36964	1,034.56
	4/11/2021	EFT	EFT	16.51
	4/12/2021	EFT	EFT	10,552.12
	4/20/2021	EFT	EFT	70,722.51
			Payroll Total	195,180.25
Manual Claims	3/23/2021	36959	36961	14,444.34
	4/6/2021	EFT	EFT	1,840.92
	4/8/2021	37008	37008	22,255.75
	4/12/2021	EFT	EFT	7,828.25
	4/16/2021	37009	37009	3,750.00
	4/20/2021	37010	37010	47,943.52
			Manual Total	98,062.78
			Total All Vouchers	519,318.42

Moved by Jim Ransier. Seconded by Joe Turkiewicz.
Motion to approve consent agenda. CARRIED 5-0.

IV. Public Comment

There was no general public comment.

V. Executive Session

Marla Keethler, Mayor announced at 6:09 p.m. that the City Council will meet in Executive Session for 10 minutes to discuss potential litigation pursuant to RCW 42.30.110(1)(i).

Joe Turkiewicz said he is recusing himself from the Executive Session discussion and from the Right-of-Way Permit Application agenda item because he had previously filed a 2017 public nuisance lawsuit related to the applicant’s encroachment into the right-of-way.

Ken Woodrich noted that because of meeting in a virtual setting, Joe Turkiewicz will turn off his microphone and video until the council resumes regular session and after the business item related to the right-of-way permit application.

The council resumed regular session at 6:19 p.m. and announced the Executive Session will continue for an additional 10 minutes.

The council resumed regular session at 6:29 p.m.

VI. Business Items

A. Right-of-Way Use Permit Application, Margaret Richmond

Pat Munyan, City Administrator reviewed the staff report related to the right-of-way use permit application submitted by Margaret Richmond. He said that under a Type D permit the city council has the right to modify the conditions of approval for the permit.

Jason Hartmann, Council Member asked how the council could move the decision to a hearings officer.

Ken Woodrich, City Attorney noted that the decision the city council is making tonight is not a decision on an appeal item. He said there is nothing for a hearing officer to decide, that this is a council decision.

Jason Hartmann, Council Member asked why a variance application was not submitted.

Pat Munyan, City Administrator said variances apply to private property and not public right-of-way. He said the city is not giving a variance of a land use regulation.

Jan Brending, Clerk Treasurer noted that Margaret Richmond is attending the meeting if the council wanted to hear from her.

Ken Woodrich, City Attorney said that if Richmond provided comment it would provide and advantage because Joe Turkiewicz, a council member, is not able to participate in the discussion.

Marla Keethler, Mayor said that unless there is an objection or the need to have a question answered, will continue to keep to just council discussion.

Jim Ransier, Council Member asked for clarification on how the two ten-year clauses work.

Ken Woodrich, City Attorney said that the term is for one ten-year period after being recorded. He said the agreement provides that the applicant can apply for one administrative renewal of the permit in the year prior to expiration. Woodrich also noted that the applicant may also assign the permit before it expires without the city's consent.

Moved by Jim Ransier. Seconded by David Lindley.

Motion to authorize administrative staff to proceed with application process with the following conditions:

1. Start date of the agreement shall be the date of the application approval.

2. Agreement shall be recorded with Klickitat County.

CARRIED 3-1 with following vote: Hartmann – Nay, Lindley – Aye, Post – Aye, Ransier – Aye.

Joe Turkiewicz, Council Member rejoined the council meeting.

B. Resolution 2021-04-520, Adopting Klickitat County Solid Waste Management Plan

Jan Brending, Clerk Treasurer said Resolution 2021-04-520 adopts the Klickitat County Solid Waste Management Plan, including the Moderate Risk Management Plan and the Contamination Reduction and Outreach Plan. She said the county is required to review the plan and update the plan periodically. Brending said the county's Solid Waste Committee has been working on updating the plan for some time. She noted the county has a representative on the committee – Jason Hartmann served on it previously and Joe Turkiewicz is the current city appointee.

Moved by Jason Hartmann. Seconded by Joe Turkiewicz.

Motion to adopt Resolution 2021-04-520 Adopting the 2020 Klickitat County Comprehensive Solid Waste Management Plan, Including the Moderate Risk Management Plan and the Contamination Reduction and Outreach Plan. CARRIED 5-0.

C. Ordinance 2021-04-1076, Repealing 15.28 Floodplain Construction Restrictions and Adopting WSMC 15.28 Flood Damage Prevention

Jan Brending, Clerk Treasurer reviewed the proposed amendments repealing WSMC 15.28 Floodplain Construction Restrictions and Adopting WSMC 15.28 Flood Damage Prevention. She said these changes come from a model ordinance provided by Washington Department of Ecology in response to the 4 Federal Emergency management Agency (FEMA) requirements. She said the codes related to building within floodplain or flood zones. Brending said the city must revise its codes in order to participate in the federal flood insurance program. She noted that there is a public hearing scheduled for this item. Brending noted that on page 26 of the ordinance "Section 2" should be "Section 4."

Bill Hunsaker, Building Official said the city does not have a lot of floodplain.

Jan Brending, Clerk Treasurer said that the flood maps for Klickitat County and Skamania County are being updated using actual scientific data versus "general information" as noted on the current maps. She said that process should be completed soon.

Marla Keethler, Mayor opened the public hearing.

Jan Branding, Clerk Treasurer said there was no written public comment and that no one registered to speak during the public hearing.

Marla Keethler, Mayor closed the public hearing.

***Moved by Ashley Post. Seconded by Jim Ransier.
Motion to adopt Ordinance 2021-04-1076, Repealing WSMC 15.28 Floodplain
Construction Restrictions and Adopting WSMC 15.28 Flood Damage Prevention with
corrections upon the first reading. CARRIED 5-0.***

D. Ordinance 2021-04-1077, Adopting WSMC 2.20 Boards, Commissions and Committees

Marla Keethler, Mayor said the proposed amendments is designed to cleanup and clarify the city's codes related to boards, commissions, and committees. She said it includes the creation of the CityLab Board and the addition of the Lodging Tax Advisory Committee. Keethler said staff is also recommending that the planning commissioner's term be changed from 6 years to 4 years.

Jan Branding, Clerk Treasurer said there were a number of codes addressing boards, commissions, and committees. She the proposed amendments consolidate those codes into one chapter. Branding said that the committee language is similar to that in the codes with the addition of a member being added to the Community Development Committee representing the White Salmon Arts Council and that the Lodging Tax Advisory Committee was added. She said the Lodging Tax Advisory Committee will advise the city council on how to spend the city's hotel/motel tax (lodging tax). Branding said the language for the Civil Service Commission and the Planning Commission were cleaned up to meet state code. She noted that state code provides that the term for a planning commissioner can only be 4 or 6 years. Branding said the language for the Tree Board is the same as it was when previously amended earlier in the year. She said the CityLab Board has been added. Branding said the Community Development Committee developed the language for the CityLab Board with input from the community.

Branding noted that the following language needs to be added to the end of the ordinance along with the signature blocks:

“SECTION 3 – SEVERABILITY. If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this Chapter.

SECTION 4 – EFFECTIVE DATE. This ordinance shall take effect five days following the date of its publication by summary.

Passed by the **PASSED** by the City Council of the City of White Salmon at a regular meeting this 21st day of April 2021.”

Jim Ransier, Council Member asked if the White Salmon Arts Council knows that they are being asked to designate a committee member.

Marla Keethler, Mayor said yes that the committee had discussed this last year prior to the start of the pandemic but the change had not been made.

Jim Ransier, Council Member said that he thinks their participation will be welcome. He thanked to the Mayor, Joe Turkiewicz and Jan Brending for the feedback on the CityLab Board. Ransier said the makeup of that board expands outside of the city limits into the urban exempt area. He said that while the neighbors don't participate directly in city governance this will provide an opportunity to provide feedback on topics that might to the CityLab Board such as issues related to climate change.

Moved by Jim Ransier. Seconded by David Lindley.

Motion to adopt Ordinance 2021-04-1077 Repealing WSMC 2.04.050, 2.04.060, 2.20, 2.28.010, 2.28.020, 2.82.030, 2.28.040, 17.80.010, 17.80.020, 17.80.030, 17.80.040, 17.80.050, 18.35.020, 18.35.030, 18.35.040, 18.35.050, and 18.35.060 and Adding New Chapter 2.20 Boards, Commissions and Committees as corrected upon the first reading. CARRIED 5-0.

E. Garfield Water Line Improvements – Bid Results

Jan Brending, Clerk Treasurer and Pat Munyan, City Administrator provided information on the need for improvements to the Garfield water line due to the impending street improvements. It was noted that an alternate was included in the bid because it connected to the Garfield water line.

Jan Brending said the low bidder on the project was Artistic Excavation with a base bid of \$103,571.95 and a bid for the alternative of \$89,332.50 for a total project cost of \$192,904.45. She reviewed the proposed funding for the project which includes \$120,110 already budgeted in the Water Reserve Fund with a staff recommendation to increase that amount with to \$192,905 with \$38,469 coming from the ending balance of the Water reserve Fund and \$34,326 coming the Water Fund through an interfund transfer.

David Lindley, Council Member asked what caused the errors in the bid.

Jan Brending, Clerk Treasurer said the engineer always reviews the math in the bids and there were a couple of line items that were not correct. She and Pat Munyan, City Administrator noted that the corrections did not affect the low bid.

Moved by Jason Hartmann. Seconded by Joe Turkiewicz.

Motion to award public works contract for Garfield Water Line Improvement base bid in the amount of \$103,571.95 and the alternate bid in the amount of \$89,332.50 to Artistic Excavation for a total contract amount of \$192,904.45. CARRIED 5-0.

F. Ordinance 2021-04-1078, Amending the 2021 Budget

Jan Brending, Clerk Treasurer reviewed the proposed amendments to the 2021 budget. She said the amendments provide for the changes to fund the Garfield Water Line Improvements.

Moved by Jason Hartmann. Seconded by Jim Ransier.

Motion to adopt Ordinance 2021-04-1078, Amending the Budget for the City of White Salmon, Washington for the Fiscal Year Ending December 31, 2021. CARRIED 5-0.

VII. Reports and Communications

A. Department Heads

Mike Hepner, Police Chief said the town has been a lot more busy with traffic. He noted that COVID19 cases are going up in Klickitat County. Hepner said that mental health issues are also on the increase.

Ashley Post, Council Member asked about the status of contracting of social services.

Hepner said he has been working with Skyline Health who currently has a program in place and working to leverage grant funds to cover the program.

Bill Hunsaker, Fire Chief/Building Official said that western Klickitat County will likely start their burn ban on June 1st.

Marla Keethler, Mayor asked if the bluff area would be included in the DNR wildfire mitigation project.

Hunsaker that DNR is undertaking Phase 1 which includes the area approved by the city council in the consent agenda. He said bluff area was identified for Phse 4 but it is possible that it could be moved up to Phase 2.

Russ Avery, Public Works Operations Manager said public works has been working on repairing potholes and water leaks. He said that street marking painting such as crosswalks and parking spaces will begin soon. Avery said the White Salmon slow sand filter pilot test is underway for the next six months.

Jim Ransier, Council Member asked how the new compliant system related to streets is working.

Marla Keethler, Mayor said that after the initial batch of complaints the city is receiving about one per week. She said the public works department is working to get them completed.

Ransier thanked the public works department for making pothole repairs a priority.

Pat Munyan, City Administrator said he continues to work with Department of Natural Resources in trying to resolve a dispute related to the city's easements for the main transmission line. He said staff will present information about the Garfield Street/Jewett Roundabout project at the next council meeting.

Jan Brending, Clerk Treasurer said the Planning Commission will be reviewing proposed changes to the zoning code definitions at their next meeting along with reviewing proposed changes to the comprehensive plan land use designations. Brending reminded the city council they have a special meeting on April 26 to consider the intent to file an application with USDA Rural Development for a loan for the 14-inch main replacement project.

Ken Woodrich, City Attorney said that the council may hear about a legislative bill that has passed regarding tax increment financing. He said this legislation is very important for local government as it provides an additional method for financing infrastructure projects.

B. Council Members

David Lindley, Council Member said the Tree Board has been working on the tree ordinance.

Jason Hartmann, Council Member said the City Operations Committee met this week and talked about a number of things. He said an ordinance will be presented to the city council regarding fireworks that will provide the mayor emergency powers to ban fireworks in an extreme fire danger situation. Hartmann said the city does not intend to ban fireworks at this time. He said the committee is going to meet with WSDOT to discuss how to move forward with moving portions of the Loop Trail off the immediate roadway into right-of-way not used by WSDOT. Hartmann said the committee also talked about Wildfire Preparedness Day which is on May 1st. He said there is not enough time to plan an event but that the committee has identified doing that in 2022.

Ashley Post, Council Member said the City Operations Committee also talked about the Six-Year Transportation Plan that needs to be adopted next month. She said they also began discussions about parking limitations including sightline issues. Post said the committee also talked about Community Pride which will be held on May 21 and 22.

C. Mayor

Marla Keethler, Mayor said a big focus on the staff side is on the comprehensive plan update process pushing towards a June deadline for adoption depending on how things are moved at both the planning commission and council level. She said staff and

administration are presenting information on proposed land use designation changes that can support a range of housing and higher density. Keethler said she has good conversations with Senator King and Representative Mossbrucker about the bridge. She said funding on the Washington side is continuing to move forward at this time. Keethler said the city will hear information about partnering with the housing authority on a CDBG grant application for a low to middle income homeowners for home repairs. She said COVID19 is increasing in Klickitat County. Keethler said she and staff are having discussions with property owners that have empty lots in the downtown area about some ideas on how to use property for small kiosks and space for community events.

VIII. Adjournment

The meeting adjourned at 7:51 p.m.

Marla Keethler, Mayor

Jan Brending, Clerk Treasurer

File Attachments for Item:

C. Approval of Meeting Minutes - April 26, 2021



CITY OF WHITE SALMON
City Council Special Meeting – Wednesday, April 26, 2021
Via Zoom Teleconference

Council and Administrative Personnel Present

Council Members:

Jason Hartmann
David Lindley
Ashley Post
Jim Ransier
Joe Turkiewicz

Staff Present:

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

I. Call to Order and Roll Call

Mayor Pro Tempe Jason Hartmann called the meeting to order at 5:30 p.m.

All council members were present.

There were approximately 3 members of the public in attendance.

II. Business Items

A. Intent to File Application for Federal Assistance with the U.S. Department of Agriculture, Rural Development, Rural Utilities Service

Jan Brending, Clerk Treasurer and Pat Munyan, City Administrator presented information regarding the Main Transmission Line Replacement Project. Pat Munyan said this is the 14-inch transmission line that comes in from Buck Creek that is one of the most critical pieces of infrastructure for the city's water system. Brending and Munyan noted that the project is being phased and the portion being submitted for funding is Phase I.

Mayor Pro Tempe Jason Hartmann opened the public hearing regarding the intent to file an application with the U.S. Department of Agriculture, Rural Development.

Jan Brending, Clerk Treasurer said there is no one signed up to speak during the public hearing and no one submitted written comments via email.

Mayor Pro Tempe Jason Hartmann closed the public hearing.

Jan Brending, Clerk Treasurer noted that the city has a current water rate schedule that will need to be updated before the end of the year to address rates in 2022 and beyond.

The City Council discussed how the replacement of the water transmission line ties into the White Salmon River Feasibility Study.

***Moved by David Lindley. Seconded by Joe Turkiewicz.
Motion to adopt Resolution 2021-04-521 Intent to File Application for Federal Assistance with the US Department of Agriculture, Rural Development, Rural Utilities Service in the amount of \$3,482,500. CARRIED 5-0.***

III. Adjournment

The meeting adjourned 5:43 p.m.

Jason Hartmann, Mayor Pro Tempe

Jan Brending, Clerk Treasurer

File Attachments for Item:

A. Critical Area Heritage Tree Variance Request 2021-001, Andrew Chandler

1. Presentation

2. Discussion

3. Action



AGENDA MEMO

Needs Legal Review: Yes
Council Meeting Date: May 5, 2021
Agenda Item: Critical Areas Ordinance Heritage Tree Variance Request 2021-001,
Andrew Chandler
Presented By: Pat Munyan, City Administrator

Action Required

Consider approval with or without conditions, or denial of the Critical Areas Ordinance Heritage Tree Variance Request submitted by Andrew Chandler.

Proposed Motion

1. Move to deny the Critical Areas Heritage Tree Variance request submitted by Andrew Chandler based on the finding that the applicant has a reasonable use of the property and no hardship exists that would necessitate a variance to mitigate the conditions.

or

2. Move to approve (with or without conditions) the Critical Areas Heritage Tree variance request submitted by Andrew Chandler finding that without the variance the applicant does not have a reasonable use of the property and that denial of the variance would present a hardship.

Explanation of Issue

Andrew Chandler has submitted a Critical Areas Ordinance Heritage Tree variance request for property located at 339 SE Oak Street. See attached staff report and supporting documents for details.

Staff Recommendation

See attached staff report.



**CITY OF WHITE SALMON
CITY COUNCIL**

MAY 5, 2021

**CRITICAL AREAS
ORDINANCE VARIANCE: 2021.001**

REQUEST

**The Applicant, Andrew Chandler,
seeks to obtain a Variance to White Salmon Municipal Code
18.10.317 - Special provisions—Heritage trees and relief of WSMC
18.10.212 - Building set backline (BSBL) for a
lot located at 339 SE Oak Street**

STAFF REPORT

May 5, 2021

**City of White Salmon
City Council**

**Critical Areas Ordinance Variance 2021.001
Applicant: Andrew Chandler**

LEGAL DESCRIPTION

Lots 14 and 15, Block 1, Jewett’s First Addition to White Salmon, according to the Plat thereof, recorded October 17, 1908, in Book 2, page 1, Auditor’s File No. 270049, Klickitat County Plat Records, in the County of Klickitat and State of Washington

ACREAGE OF PROPERTY

0.64 Acres; 27,892,48 square-feet

ZONING AND SURROUNDING USES

The subject property, 339 SE Oak Street, is zoned Single-Family Residential (R-1).

- North* – Two parcels, duplex (03111972071000) and single-family residence (03111972070900), City of White Salmon zoned R-2.
- South* – One parcel, vacant (03111933000800), City of White Salmon zoned R-2.
- East* – One parcel, single-family residence (03111973011600), City of White Salmon zoned R-1.
- West* – One parcel, single-family residence (03111973011200), City of White Salmon zoned R-1.

MUNICIPAL STATUTE(S) OF BEARING

WSMC 18.10.317 (B) Heritage trees include:

1. *Oregon White Oaks with a trunk diameter larger than fourteen inches,*
2. *All other tree species with a trunk diameter greater than eighteen inches.*

WSMC 18.10.317 (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.*
 - c. *Consideration of the habitat or other value of mature trees in the request for a variance or other modification of land use standards may require listing of the tree as a heritage tree. Once listed for protection approval of variances or modification of standards are considered reasonable actions and not the result of a self created hardship.*
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.)*
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.*
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.*

WSMC 18.10.317 (G) Exceptions to the provisions in this section include:

2. *A heritage tree in or very close to the "building area" of an approved single family residence design can be replaced by another tree. A heritage tree can be removed if its presence reduces the building area of the lot by more than fifty percent after all potential alternatives including possible setbacks to minimum yard depth and width requirements have been considered.*

WSMC 18.10.125 - Exceptions.

A. Administravie Exceptions.

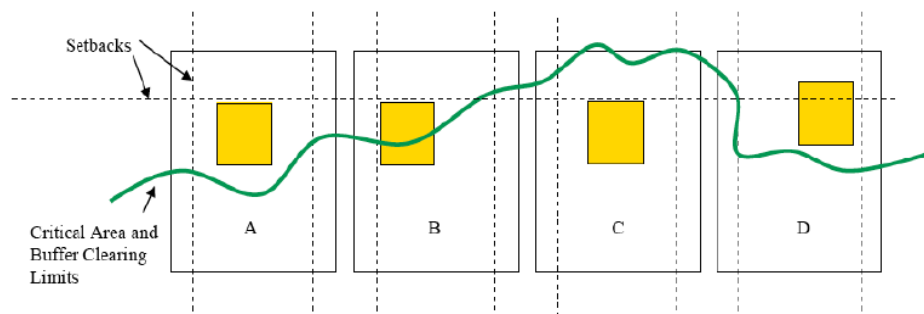
1. *The proponent of the activity shall submit a written request for exception from the city or its agent that describes the proposed activity and exception that applies.*
2. *The city or its agent shall review the exception requested to verify that it complies with the chapter and approve or deny the exception. Exceptions that may be requested include:*
 - a. *Single family residential building permits are exempt from the requirements of this chapter when the development proposal involves:*
 - i. *Structural modifications to or replacement of an existing single-family residential structure or construction of a new residential structure where construction and associated disturbance does not increase the footprint of any existing structure.*
 - ii. *The structure is not located closer to the critical area.*
 - iii. *The existing impervious surface within the critical area or buffer is not expanded.*
 - b. *Operation, maintenance or repair of existing structures, infrastructure improvements, existing utilities, public or private roads, dikes, levees, or drainage systems, including routine vegetation management activities when performed in accordance with approved best management practices, if the activity does not increase risk to life or property as a result of the proposed operation maintenance or repair.*

C. Reasonable Use and Variance Potential. If the application of this chapter would deny all reasonable use of the property, the Applicant may apply for a variance pursuant to this section. After holding a Type IV public hearing (Hearing by City Council) pursuant to WSMC Title 19 Administration, the city council may approve the variance if the council finds¹:

1. *This chapter would otherwise deny all reasonable use of the property;*
2. *There is no other reasonable use consistent with the underlying zoning of the property that has less adverse impact on the critical area and/or associated buffer;*

¹ WSMC 19.10.040, Table 2 Procedure Project Permit Applications (Type I-IV): Type IV decisions do not require an open record public hears process for determination of a Critical Areas Variance request. Final decision is made by the City Council.

3. *The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the property;*
4. *Any alteration is the minimum necessary to allow for reasonable use of the property;*
5. *The inability of the Applicant to derive reasonable use of the property is not the result of actions by the Applicant after the effective Date of this chapter or its predecessor; and*
6. *The Applicant may only apply for a reasonable use in accordance with a variance approval.*
7. *Four scenarios that illustrate situations where a reasonable use exception might or might not be applicable are sketched below:*



- a. *A = No reasonable use variance would be granted because there is sufficient space outside the area clearing limits.*
- b. *B = A reasonable use variance might be granted since there is insufficient space for a reasonable use. The development area would need to be limited or scaled back in size and located where the impact is minimized.*
- c. *C = A reasonable use variance would be granted for a minimal development if the property is completely encumbered and mitigation methods are applied.*
- d. *D = The city might consider appropriate modifications to the required setback to prevent intrusion into the protection area*

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.

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;*
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;*
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;*
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;*
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*
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.*
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.*

E. Mitigation Required. Any authorized alteration to a wetland or stream or its associated buffer, or alteration to a fish and wildlife habitat conservation area, as approved under subsections A, B, or C and D of this section, shall be subject to conditions established by the city and shall require mitigation under an approved mitigation plan per [Section 18.10.221].

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.

APPROVAL CRITERIA

Pursuant to WSMC 18.10.125 – Exceptions – Part (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 to allow for reasonable use of the property by the owner(s). Variances will only be granted on the basis of a finding of consistency with all the criteria listed below. The City Council shall not consider the fact the property may be utilized more profitably.*

Fact: Pursuant to WSMC 18.10.125 (D)-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: WSMC 18.10.317 identifies that a heritage tree protection area is required but does not provide information on determining the buffer area. After discussions with Underwood Conservation District, there are two standard methods for determining the buffer area: (1) canopy area or (2) fifty percent of the overall height of the tree. Furthermore, according to WSMC 18.10.212, a minimum building set back line (BSBL) of fifteen feet is required from the edge of any buffer, natural growth protection easement (NGPE), or separate critical area tract, whichever is greater.

The applicant is requesting a variance to WSMC 18.10.317 and relief from WSMC 18.10.212. This variance is for the applicant's proposed use of the property, if purchased, that is to be able to remove the existing house on the property that currently spans over two lots and construct a new single-family home and studio on Lot 15 with future plans to build on Lot 14, upon an administrative tax lot segregation application.² The existing driveway will be modified as needed for the shared driveway standards and emergency vehicle access as determined by city code officials.

The new proposed structures have a larger footprint (3,032 sq ft larger) and remain encroaching in the heritage tree's canopy and buffer area. Near the proposed building site, there are eight identified heritage trees, of which five are requested for removal:

- 1-Oak,
- 3-Oak,
- 5-Oak,
- 7-Oak,
- and 8-Oak.

² Parcels that contain numerous lots can be considered under the administrative **Tax Lot Segregation Application** if a parcel has underlying lot line(s) and the proposed Segregation results in multiple parcels that meet the minimum requirements for buildable parcels. A **lot** is defined as *a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise created by legal action.* A **parcel** is defined as *a single platted or unplatted lot, or contiguous lots, or tract of land having the same County Assessor's tax identification number.* A parcel is usually considered a unit for the purposes of development. Many properties (parcels), within the City contain numerous lots of record. The lot lines within a parcel are referred to as underlying lot lines.

Regardless of the method used to identify the heritage tree protection area, other buffer averaging, buffer reductions, and setback reduction provided by the White Salmon Municipal Code, the Administration has determined that the Applicant has reasonable use of the property without a variance. The strict enforcement of the applicable codes does not prevent the existing residence from being renovated or reconstructed on the same footprint, per WSMC 18.10.125 A-2. Further concluding, this variance may constitute a granting of special privilege inconsistent with the limitation of the use of other properties similarly affected.

Fact: Pursuant to WSMC 18.10.125 (D)-2, *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;*

Finding: The subject parcel is located two blocks south of the City’s downtown core in a neighborhood of mature trees along the White Salmon Bluff. The structure(s) are proposed to be located closer to the bluff’s critical area and potential tree habitat than the existing home.

Upon site plan review, staff decided that the existing house, the bluff’s critical area, and the heritage trees location do not provide an opportunity for the applicant’s proposed project without infringing on the critical area ordinance. Considering there is an existing home, there is an established reasonable use of the property beyond the sensitive areas and buffer.

Fact: Pursuant to WSMC 18.10.125 (D)– 3, *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 property is developed; it contains a single-family residence and attached carport with fourteen mature trees on-site identified by WSMC 18.10.317(B) as heritage trees; of which the applicant is requesting five to be removed (three of five because of poor condition). The bluff and heritage trees encumber the Applicant’s parcel by 89%, including their protection area(s) and additional protective buffer setback(s).

The strict enforcement of the White Salmon Municipal Code would not prevent the applicant from demolishing and building on the same footprint. However, it does prevent the demolishing of the existing structure for the consideration of an administrative tax lot segregation application, widening of the current driveway, and new construction. All of which will continue to infringe into the critical area sensitive areas. Therefore, the special conditions and/or circumstances identified in subsection 2 of WSMC 18.10.125 (relating to the size, shape, topography, sensitive areas, location, or surroundings of the subject property) would give rise to the variance application for the Applicant’s proposed project.

Fact: Pursuant to WSMC 18.10.125 (D)-4, *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 Administration determines that this variance granting may be materially detrimental to the public welfare or injurious to the property if precautions directed by the arborist is not followed.

Dave Braun, Ph.D. Credentialed Arborist with Braun Arboricultural Consulting LLC, whose purpose was to complete an on-site inspection, as requested by the applicant, has provided a draft mitigation plan during construction to include:

1. The proposed building footprints have been carefully chosen so as to place the structures as far away as possible (subject to other constraints) from candidate heritage trees. In particular, the garages are slimmed down to a minimum 25-foot width, and footprints moved towards the dividing line between lots 14 and 15 so as to keep them as far away as possible from 6-Oak and 9-Oak.
2. The houses themselves are narrow and 2-story to reduce footprint extent and site impact and minimize disturbance to 2-Oak and 4-Fir.
3. Further consulting work with Braun, before the final building footprints are nailed down, in conjunction with an architect and structural engineer.
4. The deliberate overlaying of a significant portion of the new building footprints on the existing building footprint/disturbed area
5. Some of the construction might be able to take place off-site by using pre-fabricated components
6. Additional consulting work with Braun during construction as well as surveying tree roots and, as necessary, sever them surgically and by hand, rather than indiscriminately using heavy machinery. Particular focus on 2-Oak, 6-Oak, and 9-Oak.

The heritage tree ordinance was created to protect trees of a certain size and create a large buffer to promote healthy growth. It would be up to the city council to determine if the project would be detrimental to the tree(s) on the property.

Staff does not explicitly recommend approval or denial of this variance. Still, if the city council approves, it is the city's option for the city council to encourage the property owners to establish a final mitigation plan with the submittal of any permit application, ensuring minimal disturbance to the stability and habitat and root zone.

Fact: Pursuant to WSMC 18.10.125 (D)-5, *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 Administration disagrees with the Applicant that the strict enforcement of applicable codes would prevent reasonable use without some level of variance, as the property already has reasonable use with the existing single-family home. Again, the city is not stopping the applicant from renovating or building a new structure on the same footprint.

Fact: Pursuant to WSMC 18.10.125 (D)-6, *alternative development concepts is in compliance with applicable codes have been evaluated, and that undue hardship would result if strict adherence to the applicable codes is required.*

Finding: It is the administration’s opinion that the property has reasonable use. The strict enforcement of the applicable codes does not prevent the existing single-family home from being renovated or building a new structure on the same footprint.

Fact: Pursuant to WSMC 18.10.125 (D)-7, *the granting of the variance will not affect the intent of the comprehensive plan or policies adopted thereto and the general purpose and intent of the zoning title or other applicable regulations.*

Finding: The property’s existing use complies with the applicable White Salmon Municipal Code regulations. The city council is tasked with determining if the proposed variance meets the intent of the code.

STAFF CONCLUSION

The purpose of the variance criteria is to provide a mechanism where the city may grant relief from the strict enforcement provisions of Title 18, where a hardship results from the subject property's physical characteristics. Staff has reviewed the Applicant's existing reasonable use, intended project, and variance request to find that hardship does not exist.

Despite the physical constraint caused by the bluff and heritage tree critical area (meaning its protected areas and buffer setback), the Administration has determined that the Applicant has reasonable use of the property with its existing single-family home.

However, in the review of the Trask-Moore Critical Area Ordinance Variance decision (WS-CAO-2020.001), considerations were given to allow further expansion into the protective buffer zone to correct a non-conforming property line setback. Much like the said application, the applicant has a building constructed over two lots and seeks to correct a non-conforming issue by requesting a variance to the heritage tree ordinance.

It can be determined that the tax lot segregation would have the properties move closer to conformance as intended in the original plat (Jewett's First Addition to White Salmon, according to the Plat thereof, recorded October 17, 1908). Still, it can also be seen as moving further from conformance by allowing further expansion into the critical area buffer setback beyond buffer averaging, buffer reductions, and setback reduction provided by the White Salmon Municipal Code.

STAFF REPORT WRITTEN BY

City Planning Department:
Patrick R. Munyan Jr., City Administrator
Erika Castro Guzman, Associate Planner

ATTACHMENTS

- A. Applicant Variance Permit Application
- B. Narrative Letter
- C. Arial Image, Legal description, and plat
- D. Authorization from the legal owner
- E. Site Plan/ Heritage Tree Inventory
- F. Preliminary Site Plan
- G. Braun Tree List and pictures of trees
- H. Reasonable use letter
- I. Dave Braun Arborist Review and picture of Tree #2
- J. Non-Conforming Use Email and pictures of existing foundation



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. *SEE PAGE 3*

Date: MARCH 4, 2021 Physical Address: 9020 S. BLACKJACK RD #13
ALTA UT 84092

Applicant: ANDREW CHANDLER

Representative for Applicant: _____

Telephone: (801) 243-9405

Mailing Address: PO BOX 8128, ALTA UT 84092-8128

Email: andrew84092@gmail.com

VARIANCE APPLICATION

To the White Salmon Planning Commission...

Describe the Modification of the terms of the White Salmon Zoning Ordinance requested: RELIEF FROM APPLICATION OF HERITAGE TREE ORDINANCES. PLEASE SEE ATTACHED LETTER.

Purpose of the variance: DEMOLITION/DECONSTRUCTION OF EXISTING HOUSE, CONSTRUCTION OF TWO REPLACEMENT HOUSES AND GARAGES PLEASE SEE ATTACHED PLANS

Complete legal description of property: LOTS 14 AND 15, BLOCK 1, JEWETT'S FIRST ADDITION, RECORDED OCTOBER 17, 1908

Common ^{description} ~~discretion~~ of the property: 339 SE OAK ST

Address of the property involved: 339 SE OAK ST., WHITE SALMON WA 98672

Zone in which property is located: R-1

Dimensions of the land: APPROX 283 ft x 98.56 ft

Current Land Use of Site: SINGLE FAMILY RESIDENCE

Current land use to the:

North: R-2 RESIDENTIAL East: R-1 RESIDENTIAL

South: RD RIVERFRONT DISTRICT West: R-1 RESIDENTIAL

Floor space of buildings:

PLEASE SEE ATTACHED PLANS

Existing: APPROX. 2,168 sq.ft. Additional: _____ Entire: _____

VARIANCE APPLICATION (CONTINUED)

How many cars may be parked off the street on these premises: MINIMUM OF 8

Other Parking Provisions, Describe: _____

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

MS. YVETTE M. MERESSE, TRUSTEE

PO BOX 621

BINGEN, WA 98605

NEIGHBOR TO WEST

MR. WILLIAM AYER, TRUSTEE, PO BOX 1445, WHITE SALMON WA 98672

NEIGHBOR TO EAST

MR. DOUGLAS CAMPBELL, PO BOX 368, WHITE SALMON WA 98672

NEIGHBOR TO SOUTH

NEIGHBOR TO NORTH

CITY OF WHITE SALMON


SE OAK ST., CITY OF WHITE SALMON ROAD

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

PLEASE SEE ATTACHED LETTER, SITE PLANS AND OTHER

SUPPORTING DOCUMENTATION

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: 

Andrew & Jane Chandler
PO Box 8128, Alta UT 84092

City of White Salmon
100 N. Main Street
White Salmon, WA 98672

March 4, 2021

Re: 339 SE Oak St. Critical Areas Heritage Tree Variance Request

Background

339 SE Oak St. is currently one tax parcel, but consists of two platted lots zoned R-1: Lots 14 and 15, Block 1, Jewett's First Addition.

We are currently in escrow and conducting a feasibility study (with the consent and cooperation of the legal owner, the Yvette M. Meresse Trust) to ascertain whether this property will work for our purposes. This variance application is crucial and central to this study.

Jane and I were both born in the United Kingdom, but have lived in the United States for the last 32 years. We started spending time in the Gorge more than 12 years ago when I was climbing and skiing many of the volcanic peaks in the Cascade Range. Now we would like to build a primary residence for ourselves on Lot 15 and have the option to build a second, neighboring, home for our adult daughter on Lot 14.

Current Conditions

We have engaged Bell Design Company (surveying and engineering work), Braun Arboriculture Specialist (health and stability of existing trees, mitigation during construction) and Jeff Dellis Architecture (development of preliminary site plan in conjunction with our intent). Please see site plan and other attachments.

A single-family house of about 2,168sf and over 100 years old straddles the two lots. The house is not up to current building codes, very energy inefficient and sub-optimal from a wildfire-resistance standpoint. The listing broker's description of the house includes: *existing home would need significant improvements or better yet start over and tear it down.*

A number of heritage trees as identified per City of White Salmon Municipal Code section 18.10.317 exist on the property. Strict adherence to the preservation of all heritage trees and associated buffers would render the lots virtually unbuildable. This variance request is intended to allow removal of certain heritage trees and relief of heritage tree buffer requirements.

Proposed Plan

The proposal is to demolish the existing structure due to its poor condition and build on

the separate lots as intended by the property boundaries. The Lot 15 house would be constructed first as our home and the Lot 14 house would be built later should our daughter decide to relocate.

We chose this property because of the trees and the views. We are as much motivated to be stewards of the trees on the property as we are to build houses that capture the magnificent views to the South, West and East.

The building footprints have been chosen reasonably to balance preservation of existing heritage trees, given the number of them on site and build structures of reasonable interior size while gaining some access to the views.

Lot 15 is about 13,963sf and Lot 14 about 13,929sf. The Lot 15 building footprint is roughly 2,900sf including the garage and detached studio space. The Lot 14 building footprint is roughly 2,300sf. The proposed Lot 15 coverage is approximately 20.8% and the Lot 14 coverage is approximately 16.5%, both of which are far below the maximum lot coverage of 50% allowed in the R1 zone.

The Trees on the Property

If the heritage tree buffer requirements were strictly held-to, the total available building area across both parcels is roughly 3,067sf, much of which occurring within the non-buildable required 30ft bluff setback. The available building area outside the required bluff setback is much smaller, straddles both properties (lot line setbacks apply, further reducing available building area), and occurs in two separate small areas across the two parcels.

The candidate heritage trees were inventoried and numbered by Braun, whose work I am relying upon to speak to the condition of the trees. The Braun tree reference number is followed by the species abbreviation, e.g. 15-PP is tree number 15 and it is a Ponderosa Pine. The Braun tree numbers are included on the Dellis Preliminary Site Plan. Bell Design did their own independent survey of the candidate heritage trees.

18 candidate heritage trees were assessed by Braun, either on the property or on the boundaries with the neighbors to the West or East. Of these, 14 were found to be Oregon White Oaks greater than 14" DBH and one Ponderosa Pine of 19.9" DBH. Please see Attachment 5, from which an extract has been taken to produce the table below.

Other tree species exist on the property that we intend to reasonably preserve, however they did not meet the 18" DBH measurement and therefore were not surveyed by Bell.

Our Variance Request

We are requesting to demolish/deconstruct and then construct, with extensive mitigation, within the 15ft buffer zone and tree protection area of the following 8 (eight) candidate heritage trees:

Tree #	Boundary Tree	DBH	Condition	Notes
1-Oak	No	38.2	Fair	Trunk decay low S, crown one-sided E, fast shoot growth
2-Oak	No	28.7	Good	Good form and condition
3-Oak	No	17.7	Poor	Extensive canker and trunk decay, crown one-sided S, S of 2-Oak
5-Oak	Yes-East	17.4/ 16.2	Good	Double-trunk, one-sided crown S, moderate shoot growth
6-Oak	Yes-East	24.4	Fair	One-sided crown NW, decay in NW sub-trunk (polypore conk), moderate shoot growth
7-Oak	No	23.6	Poor	One-sided crown S, slow shoot growth, pavement, grade change
8-Oak	No	18.8	Poor	One-sided crown N, slow shoot growth, pavement, grade change
9-Oak	Yes-West	37.8	Fair	Moderate crown die-back, moderate shoot growth, roots minimal to W

We are requesting the authority to remove trees: 1-Oak, 3-Oak, 5-Oak, 7-Oak and 8-Oak.

Tree 1-Oak is one-sided in the crown, has major roots to the East and has a significant hollow spot in the lower trunk on the west side. It is likely a danger to the existing structure. Trees 7-Oak and 8-Oak are in poor condition (slow growth) likely due to past root disturbance from paving and grade change. The reason to remove 3-Oak, which has extensive canker and is in poor condition, is to save and benefit 2-Oak. A similar situation exists with 5-Oak.

It should be noted that the reason for removal of these trees can probably also be supported on health (of adjacent trees) and safety grounds, irrespective of reasonable building footprint requirements.

Mitigation

Although this is not a complete list, the mitigation we are looking at includes:

1. The proposed building footprints have been carefully chosen so as to place the structures as far away as possible (subject to other constraints) from candidate heritage trees. In particular, the garages were slimmed down to a minimum 25 foot width and footprints moved towards the dividing line between lots 14 and 15 so as to keep them as far away as possible from 6-Oak and 9-Oak
2. The houses themselves are narrow and 2-story to reduce footprint extent and site impact and minimize disturbance to 2-Oak and 4-Fir (which although not 18" DBH is

still a tree we wish to see thrive)

3. Further consulting work with Braun, before the final building footprints are nailed down, in conjunction with an architect and structural engineer
4. The deliberate overlaying of a significant portion of the new building footprints on the existing building footprint/disturbed area
5. Some of the construction might be able to take place off-site by using pre-fabricated components
6. Additional consulting work with Braun during construction as well as surveying tree roots and, as necessary, sever them surgically and by hand, rather than indiscriminately using heavy machinery. Particular focus on: 2-Oak, 6-Oak and 9-Oak

Response to Variance Approval Criteria

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.

The proposal is for reasonable building areas of roughly 16.5% on one lot and 20.8% on the other, which on average is approximately 250% less than what the zoning code would otherwise allow. This does not imply special privilege beyond that of any other residential parcel within the City limits.

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;

Due to the location and amount of heritage trees, along with other setback requirements, including the 30ft bluff setback, strict adherence to the city's tree standards would render the lots virtually unbuildable. As discussed in item 'A' above, the proposed lot coverage of building footprints on either lot is roughly 250% less than the zoning code allows and favor has been given to preservation of certain heritage trees over ease of construction, maximization of available views, and overall building configuration.

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;

As discussed above in the 'Mitigation' section of this narrative, great care will be taken to minimize impacts within and outside the subject lots.

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;

See narrative response to Approval Criteria 'B' and supporting documentation. Strict adherence to the City's tree standards would result in the lots being virtually unbuildable.

E. The special circumstances of the subject property are not the result of the actions of the applicant;

These lots have existed for many years and our proposal is for a much smaller building area than otherwise allowed by the zoning code.

F. The variance is the minimum necessary to fulfill the purpose and the need of the applicant;

Some might argue that just remodeling or rebuilding the existing structure, on the existing footprint, minimizes impact. I considered this approach very carefully (I had conversations with the City Planning Department about it). Eventually, it was rejected because:

- a) The existing structure straddles two separate lots, which is an infringement of property though the lots are owned by one entity,
- b) We believe the house is not a remodel candidate due to its poor condition and age, a new structure with a new code-compliant foundation would be required and much the same critical area variance and mitigation work, and
- c) It would not fulfill our purpose and need of two separate single-family homes, which is surely a reasonable use of a property already platted as two R-1 lots.

G. The variance is consistent with the purposes and intent of this chapter;

- a) Per Municipal Code Chapter 17.80.058, “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”, and
- b) This is an unnecessary hardship that has resulted from the physical characteristics of the property. See narrative response to Approval Criteria ‘H’ for discussion of the City’s comprehensive plan and goals.

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

The goals of the comprehensive plan indicate promotion of development within the limits as specified within the respective zoning designations. Other plan goals discuss environmental preservation. The proposed lot coverage is less than 20% across the two lots which is significantly less than the base zone allows for. Thus, the proposal balances both competing goals.

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

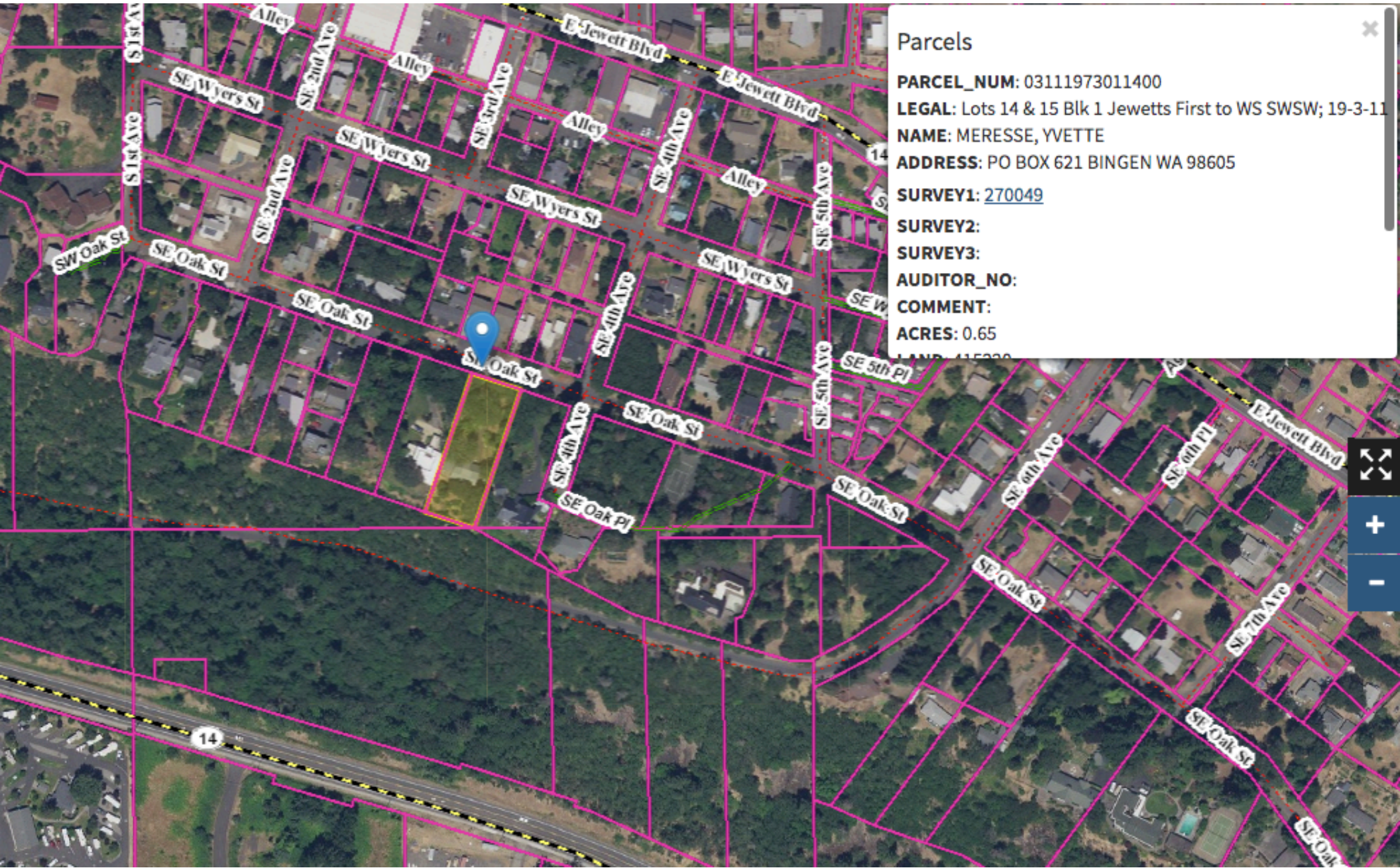
Some might argue that the most profitable use would be to seek maximum development with lot coverage closer to 50% and houses with much higher square footage. Further, it could be argued that re-aligning the driveway over the shared boundary between the lots would greatly enhance the individual lot values.-We are not seeking this variance to

permit us to choose the most profitable use amongst a range of uses. This proposal is on the low end with lot coverage closer to 16.5% and 20.8% respectively which we believe is a balanced approach, considering the given constraints, and reasonable use of the property.

List of Attachments to Variance Application

1. [This letter]
2. Area Sketch, Klickitat GIS
3. Existing Conditions, Heritage Tree Inventory Exhibit, Bell Design Company
4. Preliminary Site Plan, Jeff Dellis Architecture
5. Tree List, Dave Braun Arboriculture Specialist
6. Photographs of Trees (13 photos)
7. Legal Description and Plat, Amerititle
8. Authorization from Legal Owner

AC



Parcels

PARCEL_NUM: 03111973011400
LEGAL: Lots 14 & 15 Blk 1 Jewetts First to WS SWSW; 19-3-11
NAME: MERESSE, YVETTE
ADDRESS: PO BOX 621 BINGEN WA 98605
SURVEY1: [270049](#)
SURVEY2:
SURVEY3:
AUDITOR_NO:
COMMENT:
ACRES: 0.65

Issuing Office File No. 336681AM

EXHIBIT 'A'

File No. 336681AM

Lots 14 and 15, Block 1, JEWETT'S FIRST ADDITION to White Salmon, according to the Plat thereof, recorded October 17, 1908, in Book 2, Page 1, Auditor's File No. 270049, Klickitat County Plat Records, in the County of Klickitat and State of Washington.

ae

02/17/2021

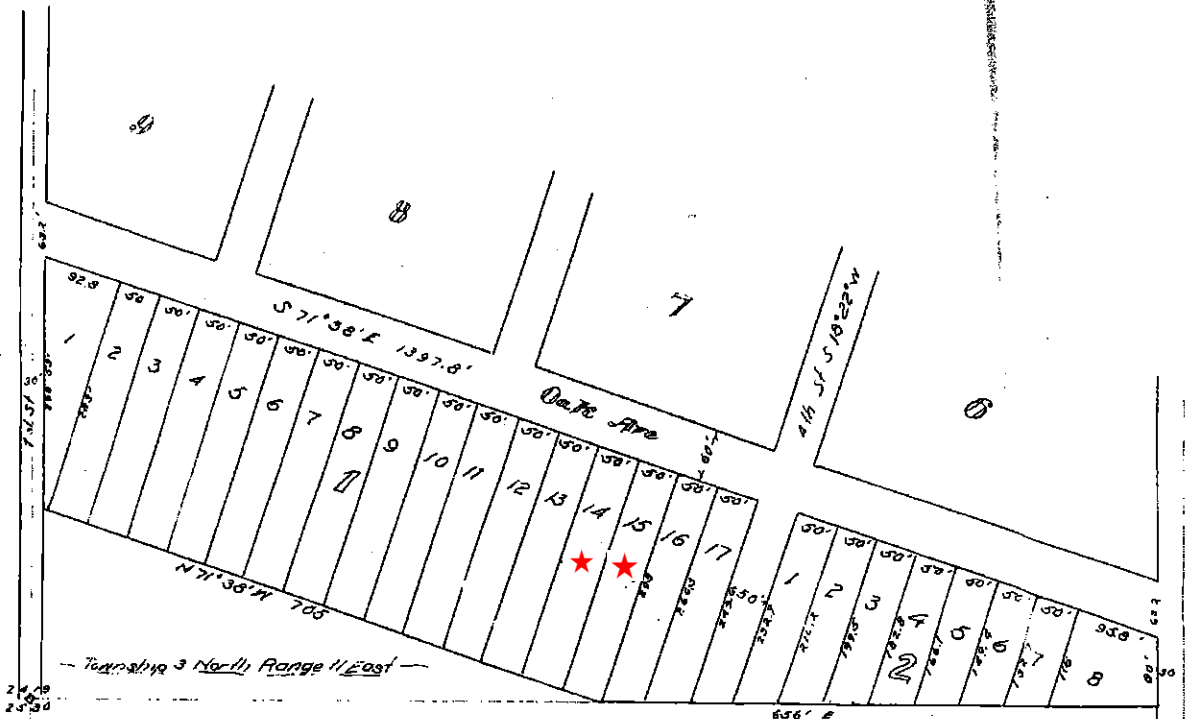
je

02/17/2021

White Salmon

COMPLIMENTS OF AMERITITLE - WHITE SALMON

This sketch is furnished for information purposes only to assist in property location with references to street and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.



N
 W
 E
 S
A Plat of Jewetts 1st Addition
 to the
Town of White Salmon
Klickitat Co Wash

Scale 1" = 100'

EXAMINED & APPROVED

OCT 17 1908

J. P. Egan

H. S. Hall C.E.

FILED
OCT 17 1908
A. M. Mac LEON CO. CLERK

270049

Form 34
Addendum/Amendment to P&S
Rev. 7/10
Page 1 of 1

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ALL RIGHTS RESERVED

ADDENDUM/AMENDMENT TO PURCHASE AND SALE AGREEMENT

The following is part of the Purchase and Sale Agreement dated February 8, 2021 1
between Andrew Chandler, Jane Chandler ("Buyer") 2
and Yvette M Meresse, TRUSTEE ("Seller") 3
concerning 339 SE OAK ST, , WA 98672 ("the Property"). 4

IT IS AGREED BETWEEN THE SELLER AND BUYER AS FOLLOWS: 5
Seller shall cooperate with Buyer in obtaining permits or other approvals Buyer may reasonably 6
require for Buyer's intended use of the Property; provided that Seller shall not be required to incur 7
any liability or expense in doing so. 8

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ALL OTHER TERMS AND CONDITIONS of said Agreement remain unchanged.

Initials: BUYER: ac Date: 02/09/2021 SELLER: [Signature] Date: 2/11/21
BUYER: jc Date: 02/09/2021 SELLER: [Signature] Date: _____

EXISTING CONDITIONS SURVEY NOTES

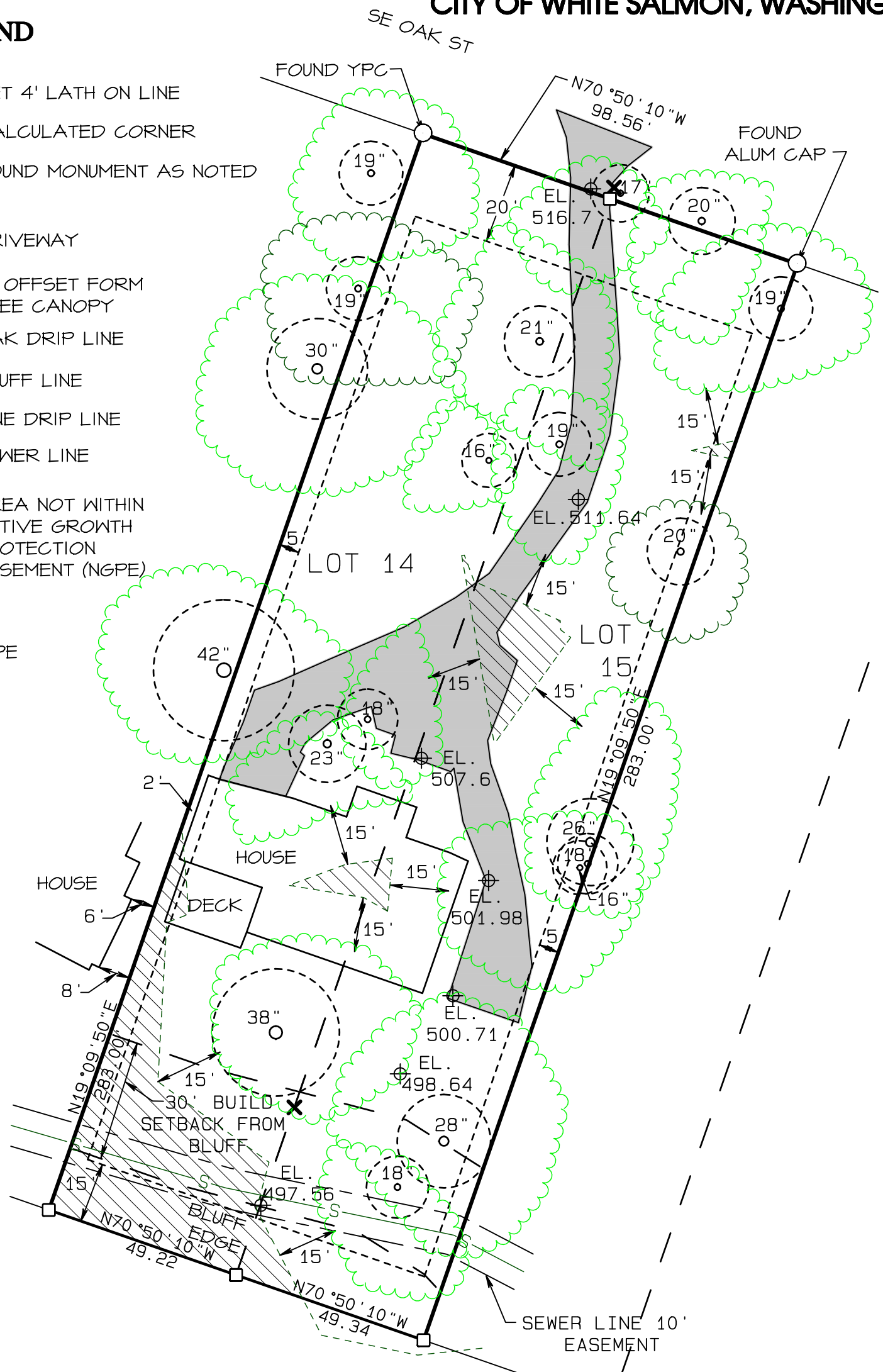
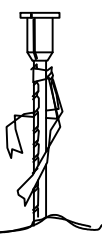
-FIELD WORK PERFORMED ON (2/26/21)
 -VERTICAL DATUM BASED ON NAVD 88,
 DERIVED FROM WASHINGTON REAL-TIME GNSS NETWORK
 -NO MAPS OR PLANS WERE PROVIDED

HERITAGE TREE INVENTORY EXHIBIT OF LOTS 14 & 15, BLOCK 1 JEWETT'S 1ST ADD. TO WHITE SALMON IN THE SW 1/4 SW1/4 SEC 19, T3N, R11E,W.M. CITY OF WHITE SALMON, WASHINGTON

LEGEND

- ✕ SET 4' LATH ON LINE
- CALCULATED CORNER
- FOUND MONUMENT AS NOTED
- DRIVEWAY
- - - 15' OFFSET FORM TREE CANOPY
- ~ OAK DRIP LINE
- - - BLUFF LINE
- ~ PINE DRIP LINE
- S SEWER LINE
- ▨ AREA NOT WITHIN NATIVE GROWTH PROTECTION EASEMENT (NGPE)

AREA NOT IN THE NGPE
 3067.45 SQFT



Bell Design Co. makes no warranty as to matters of unwritten title such as adverse possession, estoppel, acquiescence, etc. or to environmental concerns such as hazardous waste, pollution, wet land delineation, riparian changes, flood zones, etc.

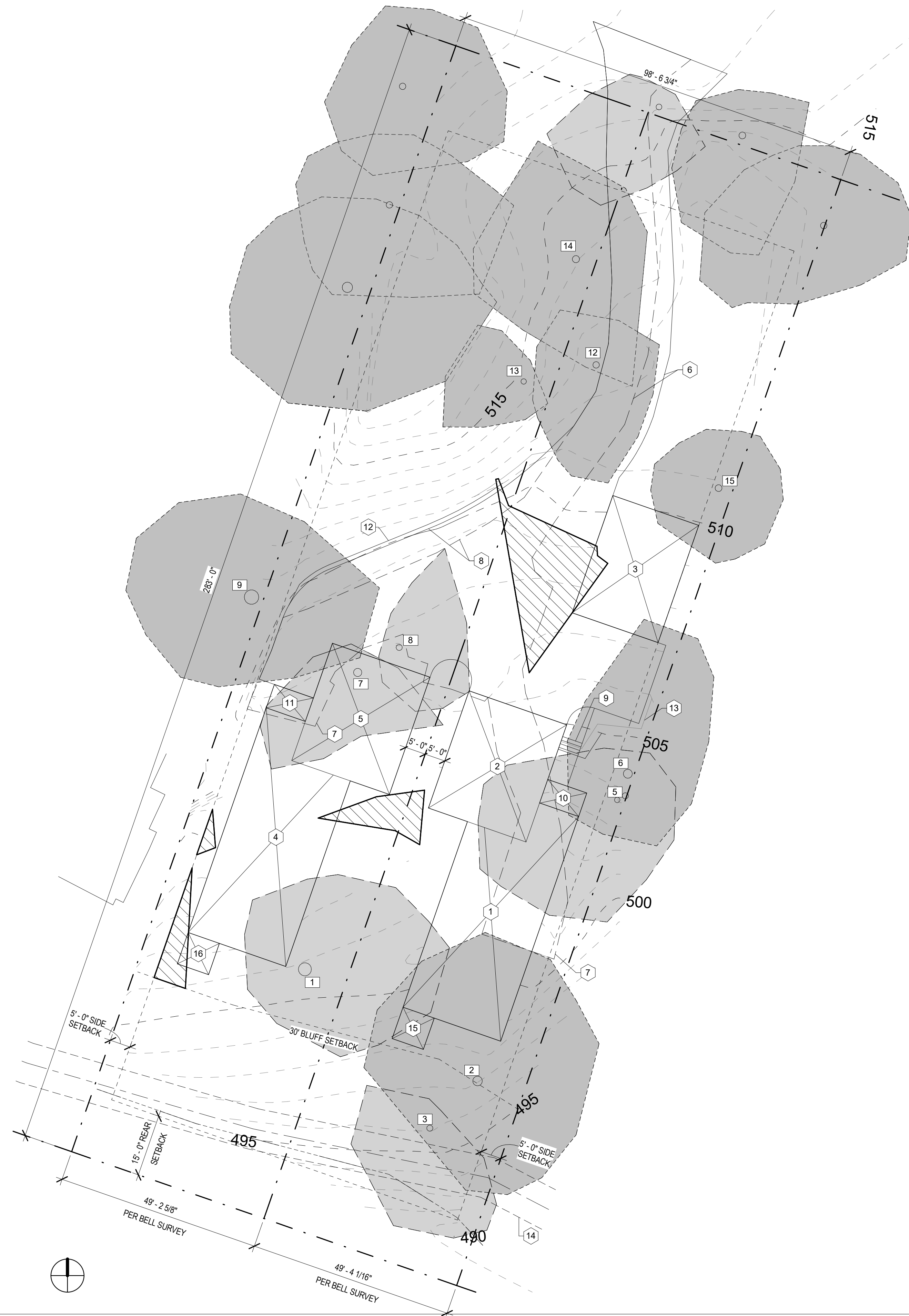
SCALE 1"=30'

BELL DESIGN COMPANY
 P.O.B. 308, BINGEN, WA 98605
 CIVIL ENGINEERING LAND SURVEYING

DATE	DESCRIPTION	BY
3/21	DRAFT	JED
3/21	CHECKED	ARB

HERITAGE TREE INVENTORY EXHIBIT
 FOR ANDREW CHANDLER
 HOOD RIVER, OREGON

SHEET: 1 OF 1
 PROJECT: 21B063
 DATE: Mar 2021



SHEET GENERAL NOTES

- A. TREES, TREE DRILINEAS AND OTHER SITE FEATURES WERE SURVEYED BY BELL DESIGN COMPANY.
- B. CONTOUR INTERVALS ARE SHOWN AT 1' INCREMENTS.
- C. TREES THAT ARE TO REMAIN AND THAT ARE NEAR GROUND AREAS TO BE DISTURBED BY CONSTRUCTION ACTIVITIES ARE TO BE PRUNED TO CREATE PROPER ROOT/SHOOT BALANCE FOR SURVIVABILITY AND REDUCE RISK OF FIRE SPREAD. OTHER TREES TO REMAIN WILL BE PRUNED FOR GENERAL HEALTH AND TO REDUCE RISK OF FIRE SPREAD.
- D. SEE CORRESPONDING VARIANCE CRITERIA NARRATIVE AND OTHER SUPPORTING DOCUMENTATION FOR SPECIFIC TREE INFORMATION. TREE NUMBERS CORRESPOND TO BRAUN TREE INVENTORY TABLE.

PROJECT NARRATIVE

THE PROJECT IS TO REMOVE AN EXISTING HOUSE ON THE PROPERTY STRADDLING THE TWO LOTS AND CONSTRUCT A NEW RESIDENCE AND STUDIO ON LOT 15, WITH FUTURE PLANS TO CONSTRUCT A SECOND RESIDENCE ON LOT 14. THE EXISTING DRIVEWAY WILL BE MODIFIED AS NEEDED FOR SHARED DRIVEWAY STANDARDS AND EMERGENCY VEHICLE ACCESS AS DETERMINED THROUGH FURTHER COORDINATION WITH AUTHORITIES. THE TWO RESIDENCES ARE GENERALLY MIRRORRED, WITH DRIVEWAY-FACING GARAGES ON THE NORTH SIDE AND MAIN HOUSE AREAS TO THE SOUTH. A DETACHED STUDIO SPACE IS PLANNED FOR LOT 15. THE RESIDENCES ARE SPLIT-LEVEL TO MINIMIZE GRADING IMPACTS AWAY FROM THE STRUCTURES, WITH THEIR SOUTHERN ENDS GENERALLY AT EXISTING GRADE. THE EAST SIDE OF THE DRIVEWAY WILL REQUIRE A MINOR AMOUNT OF FILL TO BRING AN EXISTING SLOPE WITHIN COMFORTABLE DRIVEWAY TOLERANCES AND CONNECT THE LOT 15 RESIDENCE AND STUDIO. THE WEST SIDE OF THE DRIVEWAY MAY HAVE A MINOR CUT SLOPE TO ACCOMMODATE A WIDER DRIVE WIDTH PENDING EMERGENCY VEHICLE ACCESS REQUIREMENTS. PLEASE SEE SUPPORTING VARIANCE CRITERIA NARRATIVE AND OTHER SUPPORTING DOCUMENTATION FOR MORE INFORMATION. THE LOT 15 STUDIO WILL HAVE A LOW RETAINING WALL ON THE NORTHERN PORTIONS OF THE EAST AND WEST WALLS, AND NORTH WALL ABOVE FINISH FLOOR ELEVATION TO MINIMIZE LONG-TERM IMPACTS TO TREE #15.

LOT DATA [LOT 15]

BASE ZONE:	R1 RESIDENTIAL	BASE ZONE MINIMUM LOT SIZE:	5,000SF
LOT SIZE:	13,963SF	LOT COVERAGE ALLOWED:	50%
COVERAGE AREA:	APPROX 2,900SF [COVERED FOOTPRINT + STUDIO SPACE]	BASE ZONE FRONT SETBACK:	20 FEET
LOT COVERAGE:	20.8% [ACTUAL]	BASE ZONE REAR SETBACK:	15 FEET
		BASE ZONE SIDE SETBACK:	5 FEET

LOT DATA [LOT 14]

BASE ZONE:	R1 RESIDENTIAL	BASE ZONE MINIMUM LOT SIZE:	5,000SF
LOT SIZE:	13,929SF	LOT COVERAGE ALLOWED:	50%
COVERAGE AREA:	APPROX 2,300SF [COVERED FOOTPRINT]	BASE ZONE FRONT SETBACK:	20 FEET
LOT COVERAGE:	16.5% [ACTUAL]	BASE ZONE REAR SETBACK:	15 FEET
		BASE ZONE SIDE SETBACK:	5 FEET

SHEET KEYNOTES

1. LOT 15 MAIN HOUSE [2-STORY].
2. LOT 15 GARAGE.
3. LOT 15 STUDIO SPACE.
4. LOT 14 MAIN HOUSE [2-STORY].
5. LOT 14 GARAGE.
6. EXISTING DRIVEWAY WIDTH EXTENDED AS NEEDED FOR SHARED DRIVEWAY. INTENT IS TO EXTEND EASTWARD TO MINIMIZE IMPACT TO EXISTING HERITAGE TREES ON WEST SIDE OF DRIVEWAY. FUTURE EASEMENT TO BENEFIT BOTH LOTS RESPECTIVELY FOR ACCESS.
7. EXISTING DRIVEWAY REMOVED TO MAKE WAY FOR HOUSE.
8. EXISTING DRIVEWAY WIDTH EXTENSION TO MAKE WAY FOR EMERGENCY VEHICLE ACCESS. FINAL MODIFIED DRIVEWAY CONFIGURATION TBD PENDING FURTHER COORDINATION WITH FIRE CHIEF.
9. FRAMED STAIRS UP TO LOT 15 HOUSE MAIN ENTRY. SLAB AT GRADE LEADS FROM DRIVEWAY TO FRAMED STAIRS. FRAMED STAIRS ARE SUPPORTED BY POST/PIER SYSTEM TO MINIMIZE IMPACT TO TREE #6.
10. LOT 15 COVERED ENTRY.
11. LOT 14 COVERED ENTRY.
12. MINOR CUT SLOPE TO ACCOMMODATE WIDER DRIVEWAY PENDING FURTHER COORDINATION WITH AUTHORITIES.
13. MINOR FILL SLOPE.
14. EXISTING SEWER EASEMENT AND SEWER SYSTEM.
15. LOT 15 DECK FROM MAIN LEVEL. DECK WILL BE CANTILEVERED FROM MAIN STRUCTURE OR SUPPORTED BY A POST & PIER SYSTEM TO MINIMIZE IMPACT TO TREE #2.
16. LOT 14 DECK FROM MAIN LEVEL. DECK WILL BE CANTILEVERED FROM MAIN STRUCTURE OR SUPPORTED BY A POST & PIER SYSTEM.

LEGEND

- | | |
|--|--|
| EXISTING TREE TO REMAIN. PROTECT FROM DAMAGE DURING CONSTRUCTION ACTIVITIES. | EXISTING TREE TO BE REMOVED, COMPLETE. |
| EXISTING > 14" DBH OAK TREE, OR > 18" TREE, TO REMAIN. PROTECT FROM DAMAGE DURING CONSTRUCTION ACTIVITIES. | EXISTING > 14" DBH OAK TREE, OR > 18" TREE, TO BE REMOVED, COMPLETE. |
| ZONING SETBACK AND 30' BLUFF SETBACK | PROPOSED BUILDING FOOTPRINT |
| PROPOSED ROOF OUTLINE | OUTLINE OF FOUNDATION WALL OR PIER STRUCTURE |
| EXISTING MAJOR CONTOUR | EXISTING MINOR CONTOUR |
| PROPOSED MAJOR CONTOUR | PROPOSED MINOR CONTOUR |
| BUILDABLE LAND OUTSIDE 15' HERITAGE TREE DRIP LINE SETBACK [SETBACKS ACCOUNTED FOR ALSO, EXCEPT BTWN LOTS 14 & 15] | |

Jeff Dellis Architecture, Inc.

1219 Columbia Street
Hood River, OR 97031

541.386.3322
jeffmdellis@gmail.com

JDA

Stamp

NOT FOR CONSTRUCTION

Consultant Logo

Key Plan

Project Owner:
Andrew Chandler [Current property owner is Yvette Meresse]

Project Name:
Chandler Residence Feasibility

Project Address:
339 Oak Street
White Salmon, WA 98672

Revisions to Sheet

No.	Revision	Date
-----	----------	------

Status: LAND USE

Date: 03/12/21

Sheet Title
PRELIMINARY SITE PLAN

Sheet No.

A101

Project No.

Trees Assessed for Heritage Tree Ordinance: data collected by Braun Arboricultural Consulting LLC February 20th, 2024										BT = Boundary Tree; C = Campbell, Y = Ayer							
for Andrew Chandler, on Lots 14, 15 (Mareese) and shared with west neighbor (Ayer) and east neighbor (Campbell)										BTs share significant roots, trunk, or crown across boundary; both owners have duty of care.							
QUGA = Oregon White Oak PICO = Ponderosa Pine CHT = Candidate Heritage Tree (sps, diameter)																	
PSME = Douglas-fir PISY = Scotch Pine Ordinance: oaks ≥14 in, other sps ≥18 in																	
B(F)YN = Back (Front) Yard Near = within potential Heritage Tree Protection Area (based on trees sps, size, plans)										Destination points in							
B(F)YF = Back (Front) Yard Far = Outside Potential Heritage Tree Protection Area (based on tree sps, size, plans)																	
#	Sps.	dbh	Loc.	Dist.	Bearing	Origin Point	Cond.	CHT	BT	Notes	#	Point	ft	in	tenths	Ft	to
1	QUGA	38.2	BYN	38.0	290	Oak #1	Fair	Y	N	Trunk decay low S, crown one-sided E, fast shoot growth	1	Oak #1	38	0	0.0	38.0	pipe fencepost in fence
1	QUGA	38.2	BYN	38	336	Oak #1	Fair	Y	N	Trunk decay low S, crown one-sided E, fast shoot growth	1	Oak #1	38	0	0.0	38.0	middle cement patio
1	QUGA	38.2	BYN	19.5	35	Oak #1	Fair	Y	N	Trunk decay low S, crown one-sided E, fast shoot growth	1	Oak #1	19	6	0.5	19.5	nail back wall middle
1	QUGA	38.2	BYN	35.0	83	Oak #1	Fair	Y	N	Trunk decay low S, crown one-sided E, fast shoot growth	1	Oak #1	35	0	0.0	35.0	SE corner of home
1	QUGA	38.2	BYN	45.3	130	Oak #1	Fair	Y	N	Trunk decay low S, crown one-sided E, fast shoot growth	1	Oak #1	45	4	0.3	45.3	Oak #2
1	QUGA	38.2	BYN	26.0	203	Oak #1	Fair	Y	N	Trunk decay low S, crown one-sided E, fast shoot growth	1	Oak #1	26	0	0.0	26.0	pipe on satellite dish
2	QUGA	28.7	BYN	35.4	354	Oak #2	Good	Y	N	Good form and condition	2	Oak #2	35	5	0.4	35.4	SE corner of home
3	QUGA	17.7	BYF	47.2	12	Oak #3	Poor	Y	N	Extensive canker and trunk decay, crown one-sided S, S of Oak #2	3	Oak #3	47	2	0.2	47.2	SE corner of home
3	QUGA	17.7	BYF	10.4	47	Oak #3	Poor	Y	N	Extensive canker and trunk decay, crown one-sided S, S of Oak #2	3	Oak #3	10	5	0.4	10.4	Oak #2
4	PSME	16.6	BYF	31.0	255	Oak #1	Good	N	N	Full crown, moderate shoot growth	4	Oak #1	31	0	0.0	31.0	PSME #4
5	QUGA	17.4	FYN	28.5	276	Oak #5	Good	Y	Y-C	Double-trunk (N) One-sided crown S, moderate shoot growth	5	Oak #5	28	6	0.5	28.5	NE corner of home
5	QUGA	16.2	FYN	29.0	276	Oak #5	Good	Y	Y-C	Double-trunk (S), One-sided crown S, moderate shoot growth	5	Oak #5	29	0	0.0	29.0	NE corner of home
6	QUGA	24.4	FYN	29.4	268	Oak #6	Fair	Y	Y-C	One sided crown NW, decay in NW subtrunk (polypore conk), moderate shoot growth	6	Oak #6	29	5	0.4	29.4	NE corner of home
7	QUGA	23.6	FYN	12.0	315	NW corner(porch)	Poor	Y	N	One-sided crown S, slow shoot growth, pavement, grade change	7	NW corner(porch)	12	0	0.0	12.0	Oak #7
8	QUGA	18.8	FYN	16.0	360	NW corner(porch)	Poor	Y	N	One-sided crown N, slow shoot growth, pavement, grade change	8	NW corner(porch)	16	0	0.0	16.0	Oak #8
9	QUGA	37.8	FYN	42.0	302	NW corner(porch)	Fair	Y	Y-A	Moderate crown die-back, moderate shoot growth, roots minimal to W	9	NW corner(porch)	42	0	0.0	42.0	Oak #9
10	PICO	11.0	FYF	50.5	212	PICO #10	Good	N	N	Good form and condition	10	PICO #10	50	6	0.5	50.5	NE corner of home
11	PISY	9.3	FYF	22.7	128	PICO #10	Poor	N	Y-C	Weak crown, slow shoot growth	11	PICO #10	22	8	0.7	22.7	PISY #11
12	QUGA	19.1	FYF	55.8	4	PICO #10	Good	Y	N	Good form and condition	12	PICO #10	55	10	0.8	55.8	Oak #12
13	QUGA	16.6	FYF	15.8	262	QUGA #12	Good	Y	N	Good form and condition	13	QUGA #12	15	9	0.8	15.8	Oak #13
14	QUGA	21.5	FYF	24.7	353	QUGA #12	Good	Y	N	Good form and condition	14	QUGA #12	24	8	0.7	24.7	Oak #14
15	PIPO	19.9	FYF	37.4	136	QUGA #12	Good	Y	Y-C	Good form and condition	15	QUGA #12	37	5	0.4	37.4	PIPO #15
16	QUGA	20.1	FYF	61.7	66	QUGA #12	Good	Y	Y-C	One-sided crown W, adjacent to large oak to E	16	QUGA #12	61	8	0.7	61.7	Oak #16
17	QUGA	21.1	FYF	63.7	37	QUGA #12	Fair	Y	N	One-sided crown S, pruned for powerline clearance	17	QUGA #12	63	8	0.7	63.7	Oak #17
18	QUGA	18.2	FYF	62.3	18	QUGA #12	Fair	Y	N	One-sided crown S, pruned for powerline clearance	18	QUGA #12	62	4	0.3	62.3	Oak #18





1-Oak





1-Oak



2-Oak







3-Oak



6-Oak

5-Oak



6-Oak

5-Oak





8-Oak

7-Oak



9-Oak



9-Oak

Andrew & Jane Chandler
PO Box 8128, Alta
UT 84092

Ms. Erika Castro-Guzman
Associate Planner
City of White Salmon
100 N. Main Street
White Salmon, WA 98672

March 28, 2021

Re: 339 SE Oak St. (Lots 14 and 15) Critical Areas Heritage Tree Variance Request

Dear Ms. Castro-Guzman:

Having had time to reflect upon our telephone conversation of last week and also to review the City Staff Report on the recent 328 Wyer St. (Wyer) variance request, we add the following commentary for your consideration.

Essentially, in Wyer, City Staff stated that the current footprint constitutes reasonable use and they further suggest that that applicant would be able to rebuild on this footprint, albeit by curing the non-conforming side-yard-setback violation.

Jane and I have been shopping for a home site, for our anticipated retirement in White Salmon, for over 5 years now. We have come to get a feel for locations and prices. Should the Wyer decision apply to our 339 SE Oak St. (339 Oak) application, it would reduce the value of the real estate by an amount in excess of a half million dollars.

This astronomical sum is fact and not hyperbole. When the home immediately to the west of 339 Oak was demolished and relocated further to the south (this is the Ayer home), it cut-off entirely the views to the west from the 339 Oak home. It is these iconic westerly views, looking right down the Columbia River Gorge, that make the White Salmon bluff-top such desirable and pricey real estate.

With this huge reduction in value, it would be optimal, from a purely financial perspective, for the current owner to clearcut the lot of any heritage trees, pay the fines to the City and sell to a developer who wishes to build two [5,000]sf homes. There also exists the perverse incentive to remove any trees, like the beautiful and stately 17" DBH Douglas Fir on the Southwest corner of the property, that are on the verge of becoming heritage trees.

As previously detailed, we wish to replace the existing house with a new home of around 2,500sf and have the option of building a second home of about the same size, should we be able to entice our daughter to relocate from Denver. (Like me, she is a keen skier and kite-surfer, and really loves the Gorge.)

Our primary contention is that the previous occupant and owner, Ms. Y. Meresse (deceased), was not enjoying *reasonable use* of her property during her lifetime; it was in fact being under-used. For example, let's assume that she wanted the lots to be segregated after her passing and two of her children to each build a home for themselves. Let's assume that she had been discussing this for the last [30] years of her life. Following Wyer would result in her wishes being stymied.

Indeed, habitually following the Wyer reasoning would mean that *any* use other than *current use of any developed property* in the City of White Salmon is not a *reasonable use*. We believe that this essentially circular logic will repeatedly create hardship and I believe that the City Council might agree because they granted a variance in Wyer.

In the case of 339 Oak, our request is to allow the removal of a non-conforming structure (side-yard-setback violations) and grant reasonable use on two R1 lots. What if the existing home had been built entirely on Lot 14, rather than straddling the Lot 14/15 property line? Would the City Staff still treat negatively a request to segregate the lots and grant reasonable use of what would then be a vacant Lot 15? If the answer is, "No", why should our situation be treated differently than the hypothetical one?

We have been fortunate to get to know one of the Meresse family and have been told that Ms. Y. Meresse was very upset about losing her westerly Gorge views when the new Ayer home was built. The electric power to 339 Oak is by overhead cable from a utility pole located on the Ayer property. Ms. Y. Meresse was so upset, that she refused to allow that pole or cable to be relocated, as her neighbors requested.

This leads us to our secondary contention, that the views to the West from the White Salmon bluff-top are of such an iconic and desirable nature that they form an integral part of what constitutes *reasonable use* for the properties along that terrain feature.

If you disagree with our primary contention, and still assert that Ms. Y. Meresse was enjoying reasonable use of her property prior to the construction of the new Ayer house, then that reasonable use was terminated when her views were truncated. To regain reasonable use, she would have needed to rebuild her house on a different part of her property. What is more, she was even encouraged to do exactly this, by a family member, but she was by that time, too late in life to want the upheaval.

Sincerely,

Andrew Chandler
(801) 243-9405

339 SE Oak St

Andrew Chandler <andrewmachandler@msn.com>
To: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>
Cc: Jane Chandler <janevchandler@msn.com>

Thu, Mar 25, 2021 at 1:45 PM

Hello Erika:

Thank you for your call today.

I wanted to send you one more picture of 2-Oak, as well as the commentary on it from our arborist (see below), which contains the following:

Your proposed building footprint for the east home puts its SE corner well within the HTA and BS, but this could be mitigated; on the plus side it takes a 90 degree wedge out of the circle and is maybe 15 ft. from the trunk, meaning you might disturb 10% 15% of the HTA

I also talked with Dave Braun more about our proposal and the trees in general. It seems that there would be no benefit after all in removing 3-Oak (as I alluded to in my letter attached to the variance), although it is in poor condition it is not doing any harm to 2-Oak. This is what he says about 3-Oak:

Oak #3 This tree is in poor shape but these trees are resilient and it could still live a long time. It counts as a HT and is out of your footprint, closer to the bluff than Oak #2

So, we would like to withdraw our request to remove 3-Oak and would like to just let it live out its life!

I mentioned that we have been measuring the driveway, etc. We are now confident that we can widen the driveway without removing any trees. Thus, we would also like to withdraw any suggestion of removing 18-Oak, removal of which was indicated on the proposed site plan prepared by Jeff Dellis (this tree is on the North edge of the property at the very entrance to the driveway - please see the Braun Tree Map).

This leaves 3 trees that would have to be removed: 1-Oak, 7-Oak and 8-Oak, and one more, 5-Oak, that might have to be removed (although we would do our best to work around it).

So hopefully we can keep it down to removing only 3 trees, 2 of which (7-Oak and 8-Oak) are in poor condition and are very close to the existing house structure.

Please let me know if I can provide any further information. We really appreciate your efforts to complete your work within our timeline.

Sincerely,

Andrew

P.S. Now I know why they called it "Oak St." 😊

From: dbraun@gorge.net <dbraun@gorge.net>
Sent: Saturday, March 13, 2021 5:46 PM
To: andrewmachandler@msn.com <andrewmachandler@msn.com>
Subject: pics

Hi Andrew

OK, I was able to right click on the photo after I opened the attachment and save it to a file ("save as"); I assume you could save it to a desk top or thumb drive as well.

BTW, Fir #4 was in the background. The tree 16.6 in. in diameter, so not technically a candidate heritage tree. It looks far enough away to not be affected at all. But you could nominate it as one.

Attached is a pic of Oak #2, looking east towards the Campbell property. This is a healthy wide spreading tree near the east property line that would need some mitigation for disturbing the Heritage Tree Area (HTA) and Building Set Back (BS). 28.7 in. diameter, times 10 = 287 inches, = 23.9 ft. +15 = 39 ft. diameter circle. Your proposed building footprint for the east home puts its SE corner well within the HTA and BS, but this could be mitigated; on the plus side is it takes a 90 degree wedge out of the circle and is maybe 15 ft. from the trunk, meaning you might disturb 10% 15% of the HTA.

For Oak #1 (earlier email), 38.2 in. diameter means a 47 ft. diameter circle. The location of the tree 38 ft. east for the fence puts the tree almost in the proposed building footprint. Regardless of the Ordinance specs on HTAs and BS, the tree would have to go.



IMG_4307.JPG
13348K



339 SE Oak: Non-Conforming Use

Andrew Chandler <andrewmachandler@msn.com>
To: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Thu, Apr 1, 2021 at 11:30 AM

Erika:

I had some further thoughts on the ramifications of the current structure being built across the Lot 14/15 lot-line.

The current structure is non-conforming because of encroachment into the 5ft side-yard-setback to the West and the more egregious Lot 14/15 lot-line violation.

Given the opportunity, there exists the ongoing aspiration for the City to elevate non-conforming to conforming status, please see **White Salmon Municipal Code (WSMC) 17.76.010**.

The demolition of the current structure would fulfill this aspiration and bring the parcel into conformity. (I realize that eliminating the lot-line would also fulfill the aspiration, but I do not believe that this is something that the City can now insist upon.)

Once the current structure has been demolished then, as you have previously indicated to me, the segregation of the two lots would be an exercisable ownership right, subject only to administrative review by the City Staff.

Once the two lots have been segregated then each individual lot should have the right of reasonable use, see **WSMC 17.76.060 C. Abandonment or discontinuance of uses.** *The land from which any nonconforming structure has been removed shall be subsequently used in conformity with the appropriate district regulations.*

Our application is requesting that the above 3 steps be compressed into 1.

Regards,

Andrew



South Wall



East Wall



South Wall