



**White Salmon City Council Meeting
A G E N D A**

September 15, 2021 – 6:00 PM

Via Zoom Teleconference

(No in person session)

Meeting ID: 896 9344 2237 Passcode: 691997

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. Consent Agenda

- A.** Proclamation 2021-004, Declaring October 3, 2021 Soroptimist International of Mt. Adams Day
- B.** Approval of Meeting Minutes - August 13, 2021 (Minutes will be added by Monday, September 13, 2021)
- C.** Approval of Meeting Minutes - September 1, 2021
- D.** Approval of Vouchers

III. 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, September 15, 2021 will be read during the city council meeting and forwarded to all city council members. Please include in the subject line "Public Comment – September 15, 2021 Council Meeting." ***Please indicate in your comments whether you live in or outside of the city limits of White Salmon.***

IV. Changes to the Agenda

V. Presentations

- A.** Hispanic Heritage Month

VI. Business Items

- A.** Critical Area Heritage Tree Variance Request, 2021-002, Kurt Von Rueden - 567 SW Waubish Street
 - 1. Presentation - Staff
 - 2. Presentation - Applicant
 - 3. Discussion
 - 4. Action

VII. Reports and Communications

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

VIII. Executive Session

The City Council will meet in Executive Session for two purposes: 1) pursuant to RCW 42.30.110(1)(b) regarding the acquisition or purchase of real estate and 2) pursuant to RCW 42.30.110(1)(i) regarding potential litigation.

IX. Adjournment

File Attachments for Item:

A. Proclamation 2021-004, Declaring October 3, 2021 Soroptimist International of Mt. Adams Day

PROCLAMATION 2021-004

A PROCLAMATION BY THE CITY OF WHITE SALMON, WASHINGTON DECLARING OCTOBER 3, 2021 AS SOROPTIMIST INTERNATIONAL OF MT. ADAMS DAY THROUGHOUT THE CITY OF WHITE SALMON

WHEREAS, the Soroptimist organization, founded on October 3, 1921, works to economically empower women and girls through access to education; and

WHEREAS, Soroptimist International of Mt. Adams was formed in 1977; and

WHEREAS, Soroptimist International of Mt. Adams has been an integral part of White Salmon, Bingen, communities in the Mt. Adams valley and beyond for the past 44 years; and

WHEREAS, Soroptimist International of Mt. Adams has improved the lives of women and girls along with promoting and working on other service projects in White Salmon, Bingen, communities in the Mt. Adams valley and beyond by:

- Disbursing approximately \$30,000 and 13 local and regional *Soroptimist Live Your Dream Awards*® to local women to help them get the education and training they need to improve their employment prospects and economic standing
- Holding 5 *Soroptimist Dream It, Be It*® events that have placed 60 local eighth grade girls on the path toward achieving their life and career goals
- Disbursing approximately \$37,000 over the years to support senior girls with annual Youth Citizenship Scholarships/Merit Awards
- Working with Washington Gorge Action Programs to support local sex trafficking and domestic violence awareness programs to provide women the legal and economic resources they need to break free from their former lives
- Supporting Skyline Health with a \$10,000 donation to fund a crisis room in the newly renovated Emergency Department
- Maintaining the Lela Hudson Memorial Triangle Garden in White Salmon since 2006.

NOW, THEREFORE, be it resolved that I, Marla Keethler, Mayor of White Salmon, do hereby proclaim October 3, 2021, Soroptimist International of Mt. Adams Day throughout White Salmon and encourage community members to congratulate Soroptimist International for its 100th anniversary and to celebrate Soroptimist International of Mt. Adams for its many contributions to our communities over the past 44 years.

Dated this 15th day of September, 2021.

Marla Keethler, Mayor

File Attachments for Item:

C. Approval of Meeting Minutes - September 1, 2021



CITY OF WHITE SALMON
City Council Regular Meeting – Wednesday, September 1, 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
Jan Brending, Clerk Treasurer
Ken Woodrich, City Attorney
Bill Hunsaker, Building Official/Fire Chief
Brendan Conboy, Land Use Planner

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

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

There were approximately 18 members of the public in attendance via teleconference.

II. Changes to the Agenda

Jan Brending, Clerk Treasurer asked for the following changes to be made to the agenda:

Removal from the Consent Agenda:

- Item C. Small Works Roster Bid – Jewett Blvd. Asphalt Restoration – this project will be rebid next spring due to bids being substantially over engineer’s and staff’s estimates.
- Item D. Small Works Roster Bid – Patton/Cherry Asphalt Cap – this project will be rebid next spring due to bids being substantially over engineer’s and staff’s estimates.
- Item G. Approval of Meeting Minutes – August 18, 2021 – these minutes will be presented at the September 15, 2021 council meeting.

Moved by Jason Hartmann. Seconded by Joe Turkiewicz.

Motion to remove items C, D, and G from the Consent Agenda. CARRIED 5-0.

III. Consent Agenda

- A. Resolution 2021-09-525, Amending Social Media Policy
- B. Small Works Roster Bid – El Camino Real, James Dean Construction (\$62,135)
- C. ~~Small Works Roster Bid – Jewett Blvd. Asphalt Restoration~~ (removed from Consent Agenda)
- D. ~~Small Works Roster Bid – Patton/Cherry Asphalt Cap~~ (removed from Consent Agenda)
- E. Personal Services Contract – “Lite” Transportation Plan, Nelson Nygaard
- F. July 2021 Budget Report
- G. ~~Approval of Meeting Minutes – August 18, 2021~~ (removed from Consent Agenda)
- 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 1st day of September, 2021.

Type	Date	From	To	Amount
Claims	9/1/2021	EFT	EFT	3,426.00
	9/1/2021	37365	37392	115,244.52
			Claims Total	118,670.52
Payroll	9/3/2021	EFT	EFT	111,551.87
		37393	37395	937.41
			Payroll Total	112,489.28
Manual Claims	8/23/2021	37362	37364	17,670.39
			Manual Total	17,670.39
			Total All Vouchers	248,830.19

**Moved by Jim Ransier. Seconded by Jason Hartmann.
 Motion to approve Consent Agenda as amended. CARRIED 5-0.**

IV. Public Comment

Audrey Collins, White Salmon WA submitted written comment suggesting that crosswalks be installed at Garfield and Jewett and at Grandview and Jewett to provide safe pedestrian passage from one side of Jewett to the other side at each of these locations.

V. Business Items

A. Ordinance 2021-07-1083, Temporary Moratorium on Short-term Rentals

Marla Keethler, Mayor opened the public hearing regarding Ordinance 2021-07-1083 establishing a temporary moratorium on short-term rentals.

Jan Brending, Clerk Treasurer read written comments from the following individuals:

Josh Coombs, White Salmon stated his concerns regarding the short-term rental moratorium and the impact of it on his investment in his property. He stated he desires to use his home as a short-term rental and that he has seen zero impacts by short-term rentals. He said he does not support the city council trying to control his rights to use his property as he chooses.

Ramona McQueen, White Salmon said she has talked to city hall and the planning commission about her concerns that includes noise and parking problems, allowing dogs to run at large and the COVID-19 problem. She said the property owners of short-term

rentals do not live in White Salmon and leave the policing of short-term rental properties to the neighbors. McQueen said she does not feel short-term rentals should be allowed in residential neighborhoods.

Stacy and Martin Claus, White Salmon said they live in the downtown area that has seen a dramatic increase in short-term rentals. They said they hope growth can be managed including short-term rentals. Claus' asked that short-term rentals be limited in residential neighborhoods and be limited to homes that are the primary residence of the property owner.

Chris Taylor, White Salmon said he does not support the short-term rental moratorium. He said that until long-term plans are finalized short-term rentals should be allowed to proceed. Taylor said citizens should be given time to plan if there are changes made to short-term rental requirements.

Jessica Sanderson, White Salmon said she believes the moratorium is unfair to those who are currently working on projects and that applications should be allowed to proceed until there is a decision to cap the number of rentals. Sanderson said the city council's decision needs more planning and advance notice to community members.

Chris Erickson, White Salmon said he hopes to build an ADU (accessory dwelling unit) that he could use a short-term rental for extra supplemental income. He proposed the city establish a rotating lottery system for short-term rentals and tax short-term rentals with a tax that is dedicated to affordable housing. Erickson said he believes short-term rentals can be allowed while still positively impacting the community.

Dorothy Herman, White Salmon said she believes that short-term rentals should be restricted to the downtown core area, keeping overnight rental of property as close to the commercial zoning as possible.

Shelly Baxter, White Salmon said she feels accessory dwelling units should be kept for long-term rentals. She said she is concerned about the number of vacant housing in White Salmon as compared to Hood River. Baxter said she supports limiting the number of short-term rentals by quantity, area and owner occupancy.

Sarah Morton-Erasmus, Front of House Manager – Henni's said she supports the moratorium on short-term rentals. She said there is a housing crisis in the Columbia Gorge and White Salmon should think about how to preserve a sense of community. Morton-Erasmus said she feels tourists will continue to come to White Salmon whether they stay in White Salmon or not. She said employers need employees, employees who cannot find housing. Morton-Erasmus said she would like to see a permanent cap or limit on short-term rentals incentives for builders to create affordable housing.

The following individuals testified in person via teleconference:

Tao Berman, White Salmon said he does not have an opinion one way or the other regarding allowing short-term rentals throughout the R1-Single Family zone. He said this issue is divisive for a number of people. Berman said that short-term rentals bring revenue to the local businesses and to the City of White Salmon through the taxes that might be earned by visitors. He said that short-term rentals are currently an outright use in the commercial zone. Berman said that he has a home in the commercial zone that he can't sell as a residential home but can not sell it as a short-term rental at this time because the permit does not transfer. He said individuals have plans and investments that are being impacted by the moratorium on short-term rentals. Berman said he doesn't want his right for short-term rentals in the commercial zone to be taken away from him. He said he wants the option to move his rentals in the commercial zone between short-term and long-term rentals. Berman said he hopes the council does not take the six-months to address short-term rentals in the commercial zone.

Jeff Dellis, White Salmon said he lives in Hood River but is building a house and accessory dwelling unit in White Salmon. He said he favors owner-occupied for short-term rentals. Dellis said he likes having the flexibility of using the accessory dwelling unit for friends and family but also have some income coming in.

John Edwards, White Salmon said he is not aware of any problems with short-term rentals. He said he does not have any short-term rentals. Edwards said he thinks it is politically popular to pick on short-term rentals and that short-term rentals are not the driver of high prices. He said he is not aware of anyone who has purchased a home just for the purpose of using it as a short-term rental. Edwards said putting a short-term rental moratorium in place does not recognize the money that short-term rentals brings into the community. He said allowing more R-2 would provide more housing. Edwards said it is hard to get an R2 permit.

Ryan Kreps, Commercial Property Owner said he owns four commercial properties in White Salmon and that two of them do not provide any cash flow. He said there is a need short-term rentals for temporary workers that are brought into the area. Kreps said the moratorium should not be in commercial areas.

David Dierck, Inn of the White Salmon said he thanked the council and staff for their efforts. He said he supports the 6-month moratorium that to provide opportunity for input to a pathway that will bring success to the community. Dierck said location of short-term rentals should be considered along with the number of short-term rentals. He said that locating a short-term rental in a residential zone should require a steep fee that could be use for affordable housing. Dierck said investors see the housing units as profit generators and the community sees the housing units as the community's homes.

Denise Dierck, White Salmon said she supports the six-month moratorium on short-term rentals to allow for time to develop city codes and regulations that will strike a balance. She said housing is a primary concern of employees. Dierck said affordable housing needs to be available year-round and not just from October through March. She said short-term rentals should not be at the street-level in retail zones.

Mike Ford, White Salmon said he is in favor of short-term rentals. He said the issue at heart is affordability and the way to address that issue is to increase the housing stock. Ford said he does not think that regulating short-term rentals will solve the affordability issue. He said he feels short-term rentals bring positive things to the community and does believe they need to be managed for parking, noise, and garbage.

Brendan Conboy, City Land Use Planner made a presentation providing general and White Salmon specific statistics regarding short-term rentals. The presentation included recommendations and possible options as to where short-term rentals could be allowed.

Council members thanked Brendan Conboy for his staff report and memorandum.

Council members and staff discussed the presentation and memorandum developed by staff.

Jason Hartmann, Council Member said that he wants to keep an eye on the growth and use of short-term rentals and see them as a commercial business which should not be in residential zones. He said however, that he does not want to short-term rentals take over the entire commercial area.

Jan Brending, Clerk Treasurer noted that with the City Council's recent adoption and amendment of definitions in the city's zoning code, short-term rentals are no longer an outright use in the commercial zone. She said a short-term rental is defined as a "residential" use which therefore, within a commercial zone, requires a conditional use and the amount of square footage that can be used for residential purposes in the commercial zone is limited.

Council members supported continuing the six-month moratorium to obtain more information and to consider the options for regulating short-term rental.

David Lindley, Council Member said that he feels short-term rentals are less about walkability and more about compatibility. He said that he supports prioritizing the commercial district. Lindley said he is also interested in knowing how many accessory dwelling units are in White Salmon, including any that are in the permit or construction stage.

Ashley Post, Council Member said she is not sure about limiting the area where short-term rentals can be located but does support the idea of limiting the number of days per year, limiting to owner occupied and putting a cap on the number of short-term rentals. She said that she understands the if White Salmon limits short-term rentals it might force them to other areas.

**Moved by Jason Hartmann. Seconded by Jim Ransier.
Motion to reaffirm Ordinance 2021-07-1083, Temporary Moratorium on Short-term Rentals and adopting the “whereas clauses” as findings of fact. CARRIED 5-0.**

At 7:56 p.m., the City Council took a 5 minute break and resumed at 8:01 p.m.

B. 2022 Priority Policy Areas

Marla Keethler, Mayor said the proposed 2022 priority policy areas were developed to capture the City Council’s input from its August retreat. She said the priority policy areas will be used to direct the city’s work for 2022 and will assist in the development of the 2022 budget.

Jason Hartmann, Council Member said that he thinks it is comprehensive and covers what the City Council discussed at the retreat.

**Moved by Jim Ransier. Seconded by Jason Hartmann.
Motion to adopt the 2022 Priority Policy Areas as presented. CARRIED 5-0.**

C. Ordinance 2021-09-1085, Amending the 2021 Budget

Jan Brending, Clerk Treasurer summarized the proposed amendments to the 2021 budget. She said the proposed amendments were reviewed by the Personnel and Finance Committee with their recommendation to the City Council for adoption.

**Moved by Jason Hartmann. Seconded by David Lindley.
Motion to adopt Ordinance 2021-09-1085, Amending the Budget for Fiscal Year Ending December 31, 2021. CARRIED 5-0.**

VI. Reports and Communications

A. Department Heads

Brendan Conboy, Land Use Planner said he has been focusing on the short-term rental issue. He said he is also working on some quick text amendments to the city’s zoning code to address some issue before working on implementing the comprehensive plan.

Jan Brending, Clerk Treasurer said she is working on the single-year federal audit and the 2022 budget.

Ken Woodrich, City Attorney said the city council will need an Executive Session tonight.

B. City Council Members

Jason Hartmann, Council Member said the Personnel and Finance Committee did meet last week to review the July 2021 budget and the proposed budget amendments.

Jim Ransier, Council Member said he was wondering when the City Lab Board will begin meeting.

Marla Keethler, Mayor said they should start meeting in September and will include Jim Ransier as a recipient of an email that will be going out soon.

Jan Brending, Clerk Treasurer noted that the Lodging Tax Advisory Committee will also meet in September.

Ashley Post, Council Member said that she is interested in putting crosswalks at Grandview and Jewett and Garfield and Jewett. She said she would be interested in talking to Washington Department of Transportation about what could be done prior to any construction work that will take place in the future. Post said the Tree Board will meet on September 13. She said they have been working on updating the city's heritage tree ordinance and hopes that a draft can be developed out of the July meetings' discussion. Post said the Board has also been discussing where to plant trees in the park to replace some trees that were removed. She said she also hopes that staff plans to identify funds in the budget for park equipment improvements.

Marla Keethler, Mayor said parks are still high on the list and were identified in the 2022 priority policy areas.

C. Mayor

Marla Keethler, Mayor said that COVID cases have been on the increase in Klickitat County and that August has been the worse month of the pandemic. She said the Delta variant is very common and that not all cases in Klickitat are probably being accounted for. Keethler said vaccines continue to be available.

Keethler said the two small works projects that were removed from the consent agenda had bids that came in higher than expected. She suspects the prices have been affected by petroleum costs and that timing is also a problem.

Keethler said the NW Gas project is continuing. She said no work will take place on Friday through Labor Day. Keethler said information continues to be updated on the city's webpage.

Audrey Collins, White Salmon asked if there is anything she can do to facilitate getting crosswalks installed at Garfield and Jewett and Grandview and Jewett.

Keethler said the City Operations Committee will meet on September 21st and would expect them to discuss the issue at that meeting.

VII. Executive Session

Marla Keethler, Mayor announced at 8:27 p.m. that the City Council will meet in Executive Session for 15 minutes to discuss the acquisition or purchase of real estate pursuant to RCW 42.30.110(1)(b).

The City Council resume regular session at 8:42 p.m. Staff was directed to proceed as discussed with no decision being made.

VIII. Adjournment

The meeting adjourned at 8:43 p.m.

Marla Keethler, Mayor

Jan Brending, Clerk Treasurer

File Attachments for Item:

A. Critical Area Heritage Tree Variance Request, 2021-002, Kurt Von Rueden - 567 SW Waubish Street

1. Presentation - Staff
2. Presentation - Applicant
3. Discussion
4. Action



AGENDA MEMO

Needs Legal Review: Yes
Council Meeting Date: September 15, 2021
Agenda Item: Critical Area Heritage Tree Variance Request 2021-002, Kurt von Rueden
– 567 SW Waubish Street
Presented By: Brendan Conboy, Land Use Planner

Action Required

Approval of Critical Areas Variance Request related to heritage trees.

Motion

Motion to approve a variance of WSMC 18.10.317 – Special Provisions – Heritage Trees to allow the removal of tree numbers #3, #7, and #8, and allow the encroachment into the building setback line for trees #9 and #10 for the property addressed at 567 Waubish based upon the findings for a variance as provided in WSMC 18.10.125(D) and the staff report related to 1) Special privilege, 2) reasonable use, 3) not self-created circumstances, 4) public welfare, 5) minimum variance necessary, 6) alternatives evaluated, 7) alignment to comprehensive plan and policies; and 8) Washington Department of Fish and Wildlife notification with a condition of approval that the applicant shall prepare a Heritage Tree Management Plan to be reviewed and approved by the Planning Director prior to commencing any site grading or construction activity.

Explanation of Issue

See attached staff report and associated attachments.



**CITY OF WHITE SALMON
CITY COUNCIL**

September 15, 2021

**CRITICAL AREAS
ORDINANCE VARIANCE: 2021.002**

REQUEST

**The Applicant, Kurt Von Rueden,
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 567 SW Waubish Street**

LEGAL DESCRIPTION

Klickitat County Tax Parcel 03-10-2488-0002/00
Lots 2 of White Salmon Short Plat 1989-06 in SE ¼ SW ¼, IRR TR of Section 24, Township 3 North, Range 10 East, of the Willamette Meridian, in Klickitat County, State of Washington.

ACREAGE OF PROPERTY

0.22 Acres; 9,583 square-feet

ZONING AND SURROUNDING USES

The subject property, 567 SW Waubish Street, is zoned Single-Family Residential (R-1).

- North* – One parcel, vacant (03102488000100), City of White Salmon zoned R-1.
- South* – One parcel, White Salmon bluff vacant land (03102434001100), Klickitat County zoned Open Space (OS).
- East* – One parcel, vacant (03102417005200), City of White Salmon zoned R-1.
- West* – One parcel, single-family residence (03102485000100), 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. Administrative Exceptions.

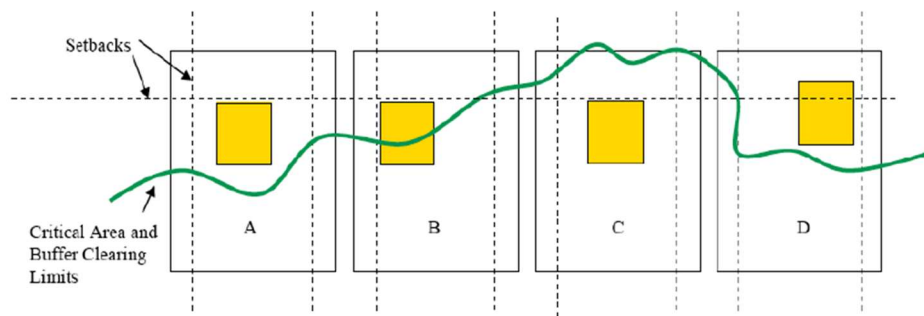
1. *The proponent of the activity shall submit a written request for exception from the city or its agent that describes the proposed activity and exception that applies.*
2. *The city or its agent shall review the exception requested to verify that it complies with the chapter and approve or deny the 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: Does not Comply.

WSMC 18.10.317 states that the tree protection area shall be equal to ten times the tree's trunk diameter or the average diameter of the area enclosed within the outer edge of the drip line of the canopy, whichever is greater. According to WSMC 18.10.317 (E)-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. 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. The applicant proposes to remove the existing house on the property that currently encroaches on the White Salmon Bluff setback and construct a new single-family home in conformance with building setbacks.

The new proposed structures have a larger footprint (214 sq ft larger) and remain encroaching in the heritage tree's canopy and buffer area. Near the proposed building site, there are six identified heritage trees, of which three are requested for removal:

- #3: Bigleaf Maple, DBH 25”
- #7: Oregon White Oak, DBH 20”
- #8: Oregon White Oak, DBH 27”

Staff finds that the Applicant has reasonable use of the property without a variance. The strict enforcement of the applicable codes does not prevent the applicant from constructing a new residence while preserving the trees requested for removal. 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: Does not Comply.

The subject parcel is located on the western portion of the City limits, along SW Waubish Street, in a neighborhood of mature trees along the White Salmon Bluff. The structure(s) are proposed to be as proximate to tree habitat as the existing home.

Upon site plan review, staff finds that the bluff's critical area and the heritage tree locations 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. Additionally, new development can be designed to avoid the removal of the trees in question.

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: Does not Comply.

The property is developed; it contains a single-family residence and detached garage with ten mature trees on-site identified by WSMC 18.10.317(B) as heritage trees, of which the applicant is requesting three to be removed (all in relatively healthy condition).

The strict enforcement of the White Salmon Municipal Code would not prevent the applicant from remodeling on the same footprint. However, it does prevent the demolishing of the existing structure and construction of a new residence that further encroaches into the tree protection area. The request to remove the trees in question is, therefore, a self-created condition.

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: Complies.

Staff finds that the granting of the variance would not be materially detrimental to public welfare or injurious to the property or neighborhood. However, the heritage tree ordinance was created to protect trees of a certain size and create a large buffer to promote healthy growth. City Council shall determine if the project would be detrimental to the public welfare or injurious to the property, neighborhood, or improvements in the vicinity and zone in which the subject property is situated

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: Does not Comply.

The applicant has failed to demonstrate that the requested variance is the minimum necessary to grant relief.

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: Does not Comply.

The property has reasonable use. The strict enforcement of the applicable codes does not prevent the existing single-family home from being renovated.

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: Does not Comply.

The granting of the variance would not materially affect the intent of the comprehensive plan or policies overall in this location. However, the granting of the variance would be inconsistent with existing adopted policies regarding heritage tree protections.

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 nonconforming property line setback. Much like the said application, the applicant's project is proposing the deconstruction of the existing structure(s) and seeks to correct a nonconforming issue (setback to the bluff) by requesting a variance to the heritage tree ordinance.

It can be determined that the deconstruction of the structures would bring the property in conformance with WSMC 17.68.170 – Fire Safety Standards. 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.

ATTACHMENTS

- A. Applicant Variance Permit Application
- B. Site Plan/ Heritage Tree Inventory with pictures
- C. Existing Conditions
- D. Proposed Site Plan

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Director recommends **denial** of Ordinance Variance 2021.002, a variance to remove three heritage trees identified in the associated application materials as trees numbered #3, #7, and #8 at the property addressed as 567 SW Waubish Street. Should City Council approve the requested variances, staff recommends the following condition of approval:

1. The applicant shall prepare a Heritage Tree Management Plan to be reviewed and approved by the Planning Director prior to commencing any site grading or construction activity.

SUGGESTED MOTION

Based upon the findings for a Variance as provided in WSMC 18.10.125(D) and the staff report related to 1) Special privilege, 2) Reasonable use, 3) Not self-created circumstances, 4) Public welfare, 5) Minimum variance necessary, 6) Alternatives evaluated, 7) Alignment to Comprehensive Plan and policies, and 8) WDFW notification, I move to **approve** a Variance to WSMC 18.10.317 – Special Provisions – Heritage Trees, to allow the removal of tree numbers #3, #7, and #8, and the encroachment into the BSBL of trees #9 and #10 for the property addressed at 567 Waubish Street.



CITY OF WHITE SALMON

VARIANCE PERMIT

VARIANCE APPLICATION INSTRUCTION

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

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

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

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

Date: 8-3-21

Physical Address: 567 WAUBISH WHITE SALMON, WA

Applicant: KURT VON RUEDEN

Representative for Applicant: _____

Telephone: 512-431-3146

Mailing Address: PO BOX 1610 WHITE SALMON, WA 98672

Email: kurtvr7@gmail.com

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

CHAPTER 17.80.058 – VARIANCE PURPOSE AND CRITERIA

Application for variances from the terms of this title; provided, that any variance granted shall be subject to such conditions as will assure compliance with the following purpose and criteria:

1. Purpose. The purpose of the variance process is to provide a mechanism whereby the city may grant relief from the provisions of this chapter where practical difficulty renders compliance with the provisions of this chapter an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of this chapter and of the city comprehensive plan can be fulfilled.
2. Scope. This section shall apply to each application for a variance from the provisions of this chapter.
3. Application Submittal and Contents. The application for a variance shall be submitted to the city on forms provided by the city, along with the appropriate fees established by city fee regulations. The application shall include all materials required pursuant to application requirements.
4. Permit Review Process. Variance applications shall be processed as a Type II decision according to the procedures set forth in Title 19.
5. Approval Criteria. The decision maker may approve or approve with modifications an application for a variance from the provisions of this chapter if:
 - a. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located;
 - b. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;
 - c. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located;
 - d. The special circumstances of the subject property make the strict enforcement of the provisions of this chapter an unnecessary hardship to the property owner;
 - e. The special circumstances of the subject property are not the result of the actions of the applicant;
 - f. The variance is the minimum necessary to fulfill the purpose and the need of the applicant;
 - g. The variance is consistent with the purposes and intent of this chapter;
 - h. The variance is consistent with the goals and policies of the city comprehensive plan; and
 - i. The fact that property may be utilized more profitably will not be an element of consideration before the decision maker.

VARIANCE APPLICATION

To the White Salmon Planning Commission...

Describe the Modification of the terms of the White Salmon Zoning Ordinance requested: _____

to allow removal of a non white oak heritage tree, heritage tree by size

Purpose of the variance: _____

requesting the removal of a heritage tree on my property for construction of a new residence

Complete legal description of property: PARCEL # 0310248800020

LOT 2 SP WS 89-06 IN SESW IRR TR; 24-3-10

Common discretion of the property: 567 WAUBISH

Address of the property involved: 567 WAUBISH WHITE SALMON, WA 98672

Zone in which property is located: city limits

Dimensions of the land: 90' x 116'

Current Land Use of Site: single family residence

Current land use to the:

North: vacant lot also owned by myself East: single family residence

South: n/a (bluff lot) West: single family residence

Floor space of buildings:

Existing: _____ Additional: _____ Entire: _____

VARIANCE APPLICATION (CONTINUED)

How many cars may be parked off the street on these premises: 2

Other Parking Provisions, Describe: attached 2 car garage to new proposed residence

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

KURT VON RUEDEN

PO BOX 1610 WHITE SALMON, WA 98672

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

the existing residence which is being removed, preceded current setbacks, the new proposed residence is forced uphill from current location to abide by current lot setback requirments

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: *Kurt von Rueden* 8/3/2021

567 WAUBISH ADJACENT NEIGHBORS

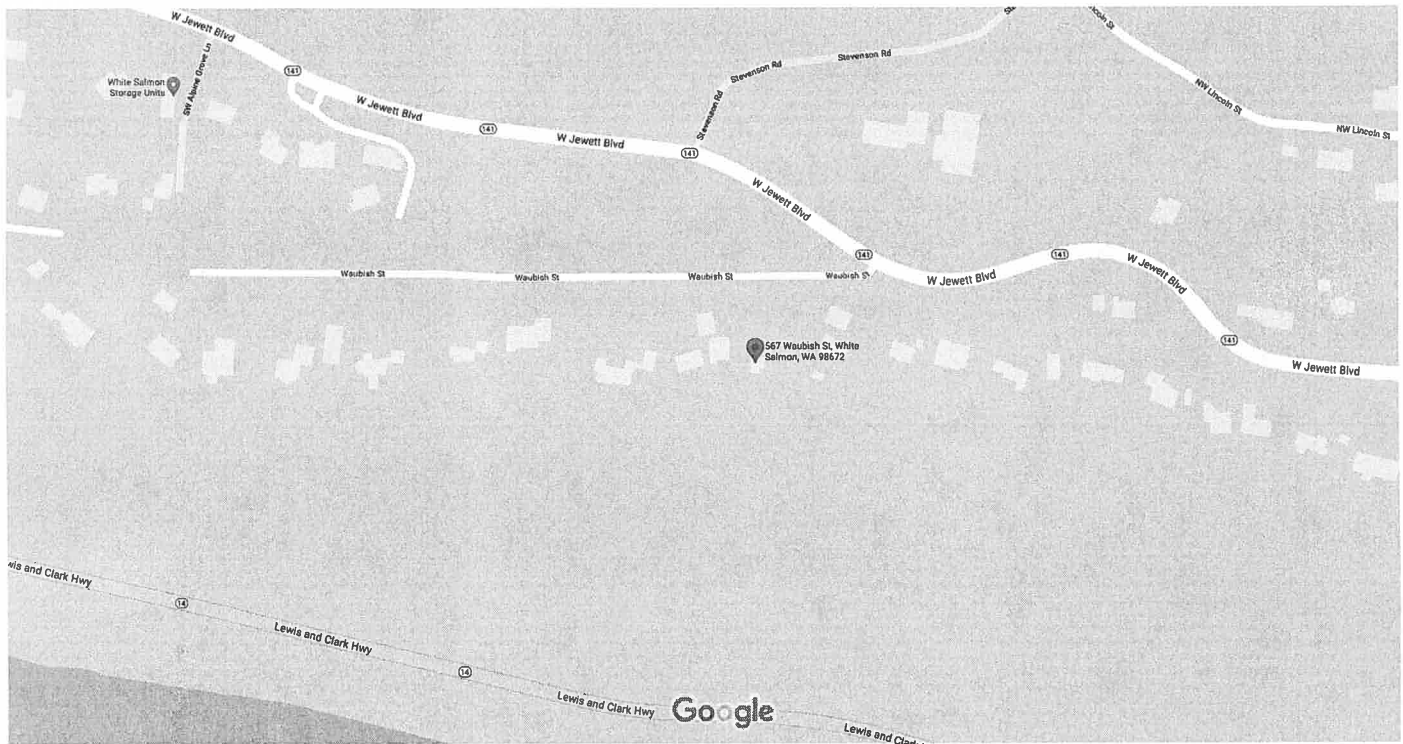
EAST

Eric and Cindi Strid
545 Waubish St
White Salmon, Wa 98672-2028
503-332-7507
Ericwstrid@gmail.com

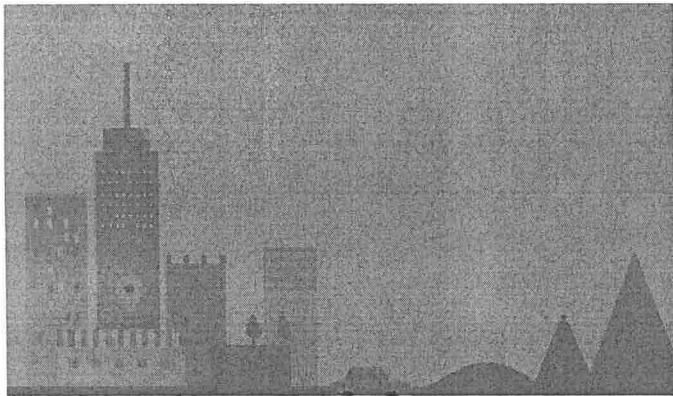
WEST

Ronnie Halchishak
581 Waubish St
White Salmon, WA
509-209-7872
Supperdoc@aol.com

Google Maps 567 Waubish St



Map data ©2021 100 ft



567 Waubish St Building



Directions



Save



Nearby



Send to your
phone



Share



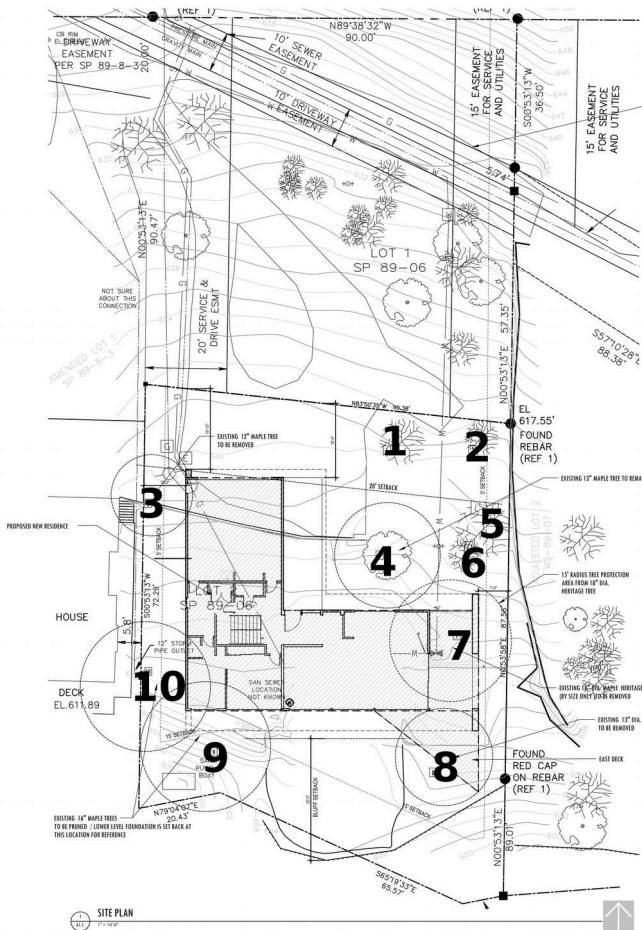
567 Waubish St, White Salmon, WA 98672



July 9, 2021

Garrett Reiter
 Western Edge Tree Service
 409 East Eugene Street
 Hood River, Oregon 97031

The following is tree inventory of the proposed building site at 567 Waubish St.



Ten trees of significance have been indicated in the site plan shown here (full plan attached at the end of text), diameter at breast height (DBH) measured at 4.5ft:

1. Douglas fir (*Pseudotsuga menziesii*), DBH 30"
2. Douglas fir (*Pseudotsuga menziesii*), DBH 22"
3. Bigleaf maple (*Acer macrophyllum*), DBH 25"
4. Oregon white oak (*Quercus garryana*), DBH 24"
5. Ponderosa pine (*Pinus ponderosa*), DBH 29"
6. Incense cedar (*Calocedrus decurrens*), DBH 17"
7. Oregon white oak (*Quercus garryana*), DBH 20"
8. Oregon white oak (*Quercus garryana*), DBH 16"
9. Bigleaf maple (*Acer macrophyllum*), DBH 27"
10. Bigleaf maple (*Acer macrophyllum*), DBH 20"

Western Edge Tree Service LLC
 409 East Eugene St, Hood River, OR 97031
 CCB# 182504 WA# WESTWEET922L5
 Phone: (541) 806-1026 Email: westernedgetreeservice@gmail.com

Overall the trees are in good health, without obvious signs of stress, decay, pathogens, or major structural defects. Exceptions and conditions of interest will be noted next to pictures.

Tree 1: Douglas fir(*Pseudotsuga menziesii*), DBH 30”.



Tree #1



Tree #1 center, Tree #2 far left

Tree 2: Douglas fir(*Pseudotsuga menziesii*), DBH 22”



Tree # 2

Tree three has a co-dominate structure of which one of the stems has a lean increasing stress on the union.

Western Edge Tree Service LLC
409 East Eugene St, Hood River, OR 97031
CCB# 182504 WA# WESTWEET922L5
Phone: (541) 806-1026 Email: westernedgetreeservice@gmail.com

Tree 3: Bigleaf maple (*Acer macrophyllum*), DBH 25"

Tree 4: Oregon white oak (*Quercus garryana*), DBH 24"



Tree #3



Tree #4

Tree 5: Ponderosa pine (*Pinus ponderosa*), DBH 29"



Tree #5



Tree #5 left, Tree #6 right

Western Edge Tree Service LLC
409 East Eugene St, Hood River, OR 97031
CCB# 182504 WA# WESTWEET922L5
Phone: (541) 806-1026 Email: westernedgetreeservice@gmail.com

Tree 6: Incense cedar (*Calocedrus decurrens*), DBH 17”



Tree #6

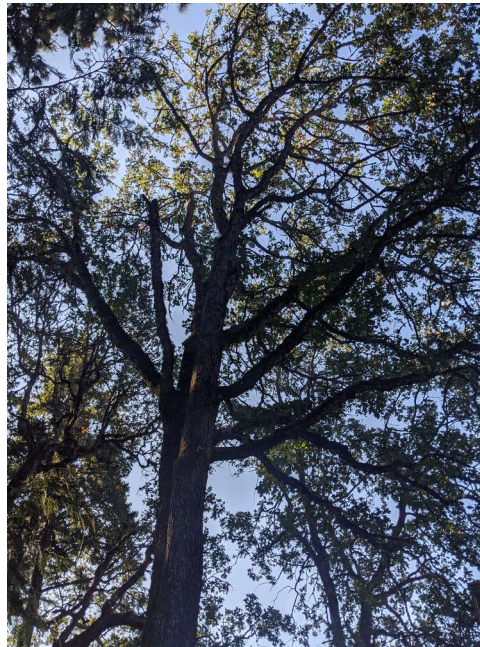
Tree Five has a low live crown to height ratio.

Tree six has three co-dominant stems, one of which is entirely dead, with poorly attached unions. The tree nevertheless appears vigorous.

Tree 7: Oregon white oak (*Quercus garryana*), DBH 20”



Tree # 7 (trunk)



Tree #7 (Canopy)

Western Edge Tree Service LLC
409 East Eugene St, Hood River, OR 97031
CCB# 182504 WA# WESTWEET922L5
Phone: (541) 806-1026 Email: westernedgetreeservice@gmail.com

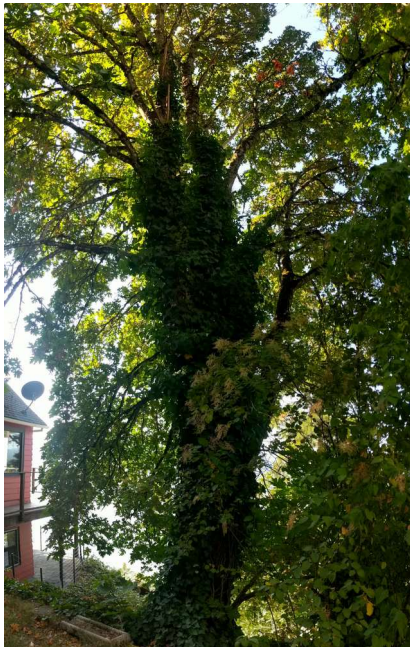
Tree 8: Oregon white oak (*Quercus garryana*), DBH 16”



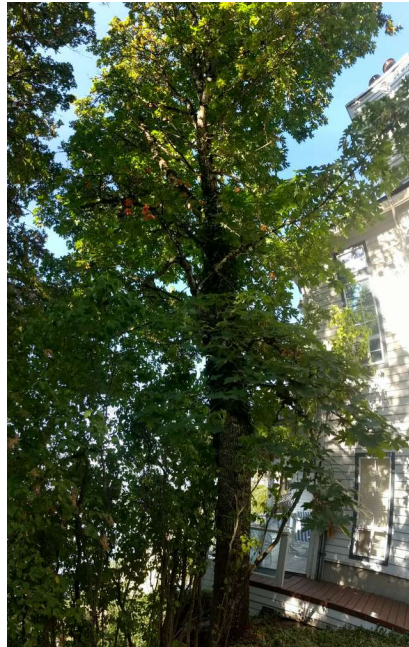
Tree # 8

Tree 9: Bigleaf maple (*Acer macrophyllum*), DBH 27”

Tree 10: Bigleaf maple (*Acer macrophyllum*), DBH 20”

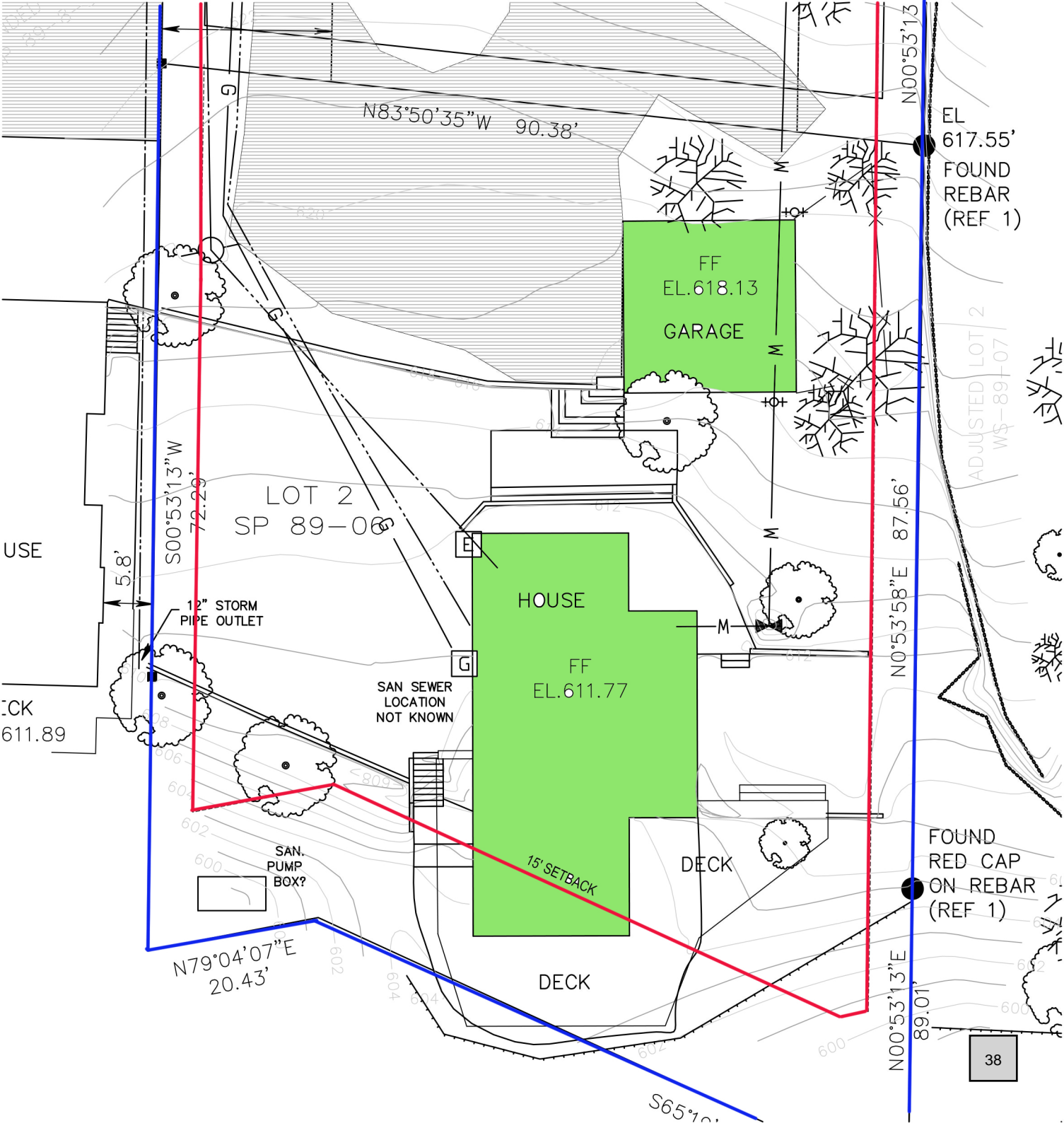


Tree #9



Tree #10

Western Edge Tree Service LLC
409 East Eugene St, Hood River, OR 97031
CCB# 182504 WA# WESTWEET922L5
Phone: (541) 806-1026 Email: westernedgetreeservice@gmail.com



N83°50'35"W 90.38'

N00°53'13"

EL 617.55'
FOUND REBAR (REF 1)

FF EL. 618.13
GARAGE

LOT 2
SP 89-06

S00°53'13" W
72.29'

12" STORM PIPE OUTLET

HOUSE

FF EL. 611.77

SAN SEWER LOCATION NOT KNOWN

SAN. PUMP BOX?

DECK

DECK

FOUND RED CAP ON REBAR (REF 1)

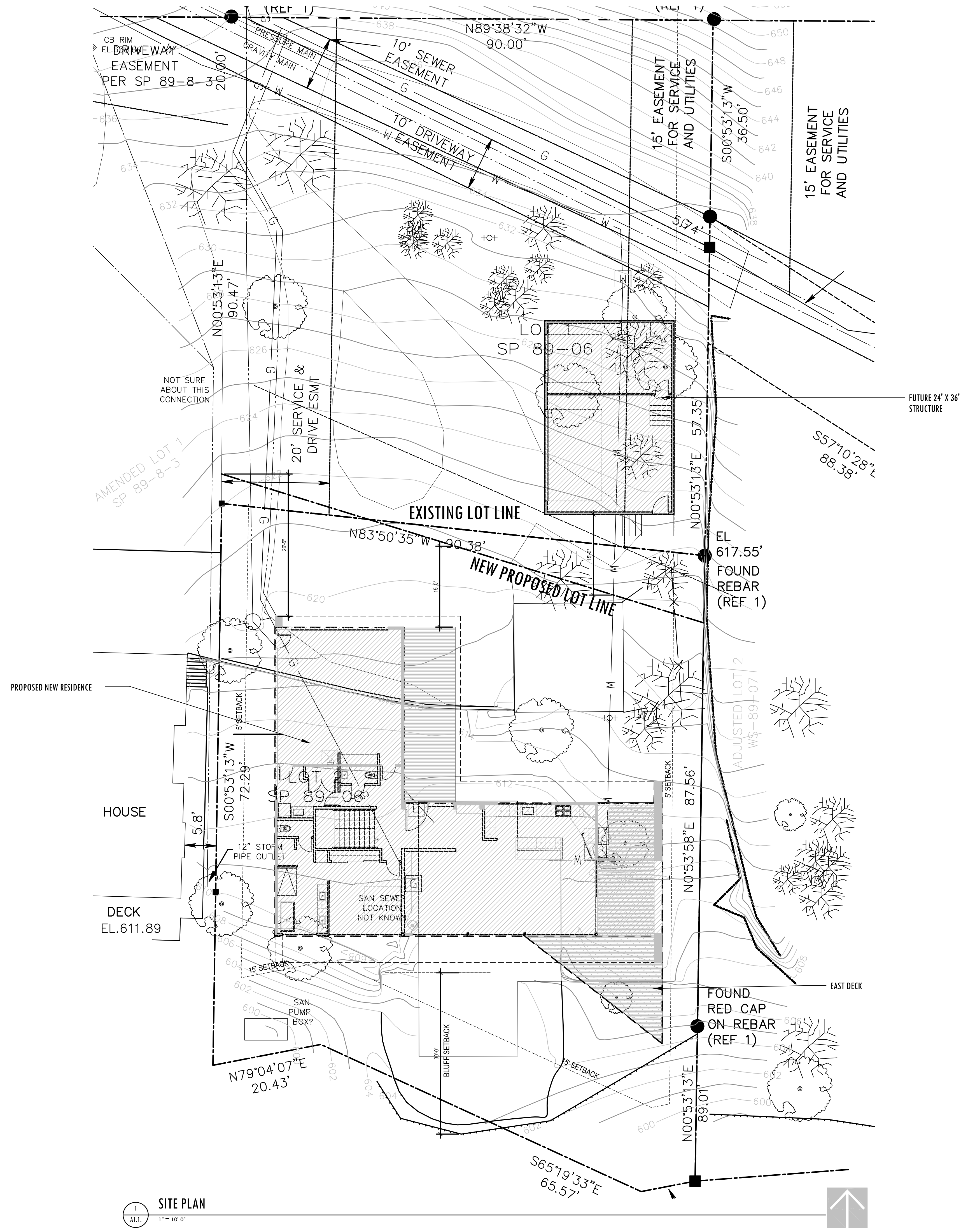
N0°53'58"E 87.56'

N00°53'13"E 89.01'

N79°04'07"E 20.43'

38

S65°10'



SITE INFORMATION

SITE ADDRESS:
567 WAURISH
WHITE SALMON, WA 98672

LEGAL DESCRIPTION
PARCEL # 1 : 03102488000200
LEGAL : LOT 2 SP WS 89-06 IN SESW IRR TR;24-3-10
ZONING : R1
LOT AREA : .22 ACRES
SETBACKS : FRONT - 20' / 15' PUBLIC UTILITY EASEMENT
SIDE - 5'
REAR - 15'

HEIGHT LIMIT : 28'

BUILDING SF

LOWER LEVEL : 1590 GROSS SF
UPPER LEVEL : 1664 GROSS SF EXCLUDES GARAGE / DECK
GARAGE : 612 SF
ENTRY BRIDGE : 310 SF
DECK : 500 SF

TOTAL SF (CONDITIONED SPACE): 3254 SF

SITE PLAN
1" = 10'-0"

