

White Salmon Planning Commission Meeting

A G E N D A

February 09, 2022 – 5:30 PM

Via Zoom Teleconference

Meeting ID: 885 6610 5764 Passcode: 919512



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

Dial by your location:

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

Call to Order/Roll Call

Approval of Minutes

- [1.](#) Meeting Minutes - October 27, 2021
- [2.](#) Meeting Minutes - November 18, 2021

Public Hearing

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

Adjournment

File Attachments for Item:

1. Meeting Minutes - October 27, 2021



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, October 27, 2021
DRAFT

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chairman
Ross Henry
Seth Gilchrist
Tom Stevenson

Staff:

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

Excused:

Michael Morneault

CALL TO ORDER/ ROLL CALL

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

APPROVAL OF MINUTES

1. Approval of Meeting Minutes – September 22, 2021

Commissioner Gilchrist requested the acronym for CUP be spelled out into Conditional Use Permit in the second paragraph of *Discussion Items - Short-term Rentals*.

Moved by Seth Gilchrist. Seconded by Tom Stevenson.

Motion to approve minutes of September 22, 2021, as amended. CARRIED 4–0.

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

ACTION ITEMS

2. 119 W Jewett Blvd, River Watch Hotel Design Review

a. Presentation

Land-use Planner, Brendan Conboy, presented to the Planning Commission the design review staff report.

The applicant, Riverwatch LLC, submitted a building permit for review on May 17, 2021, for a 29-unit lodging facility described as a Hotel/Short Term Residency. City staff reviewed the applicant’s building plans for compliance with the White Salmon Municipal Code, Fire, and Building Codes. The proposal consists of two separate buildings with connected underground parking that steps down the slope adjacent to Southwest Riverwatch Drive. Phase one of the building permit was approved by the Building Official and issued on August 25, 2021. A second permit for phase two of the building permit was approved by the City Building Official and issued on October 19, 2021.

The applicant is requesting approval of COR-TEN® metal siding as an exterior material. COR-TEN® is a trademarked name owned by U.S. Steel and refers to weathering steel which, through oxidation with the elements over the years, produces a reddish rusty hue that removes the need for paint.

The White Salmon Municipal Code requires that metal siding in the Commercial zone is subject to Planning Commission approval. WSMC Sec. 17.048.075(C) states:

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

COR-TEN® is a popular material used broadly in contemporary architecture for residential and commercial projects. Staff finds that the applicant's selection of COR-TEN® weathering steel has been intentionally applied and is compatible with the overall design of the building. Furthermore, CORTEN® is not a low-cost material, and staff finds that the selection is not motivated by cost compared to other acceptable materials.

Recommendation: Staff recommends that the Planning Commission approve the applicant's request for COR-TEN® steel as a material siding provided that the applicant satisfies the Planning Commission's concerns that the material siding meets the standards outlined in WSMC Sec. 17.048.075(C).

Applicant representative, Tao Berman, presented to the Planning Commission following staff's design review staff report. Berman stated that based on the approval criteria, the request should be approved for the following reasons. He quotes, *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* by stating that a building west of this location has copper as part of its exterior siding as well as to the building to the east has a dark covered porch. Berman adds that the (nonreflective) material and colors are essential to break down the overall scale of the building with an elegant and modern appearance. He comments that this siding will cost more and take longer to install than other siding options available. Berman stated that although this may be the first choice of siding, it may not be used if the material is backordered during construction.

b. Discussion

The Planning Commission discussed the design review proposal for 119 W Jewett Blvd's Hotel/Short Term Residency. Commissioner Gilchrist expressed gratitude for the comprehensive application and supporting documents. Commissioner Stevenson encouraged the applicant to use the COR-TEN® steel material siding if possible.

Berman clarifies that this build will look, feel and operate like a hotel.

Staff clarified that the applicant applied before adopting Ordinance No. 2021-05-1079 (May 19, 2021), amending the definition of 'tourist facilities' that had been previously interpreted to include short-term rental. In consultation with the City Attorney, it has been determined that the applicant is vested under the code at the time they applied, per RCW 19.27.095. This means that the application was reviewed under the code at the time of application which included hotel and tourist facilities as a principal use allowed outright subject to Type-1A administrative review. (The city is currently reviewing

Chapter 19.10 – Land Development Administrative Procedures to ensure that such projects will be subject to Planning Commission site plan review in the future.)

- c. **Moved by Seth Gilchrist. Seconded by Tom Stevenson.**
Motion to approve the Riverwatch LLC request for a design change to allow for COR-TEN® flat or corrugated steel, nonreflective. Any metal substitution of materials made is subject to the City Planner's approval. CARRIED 4–0.
Hohensee – Aye, Henry – Aye, Gilchrist – Aye, Stevenson – Aye.

Discussion: Berman clarifies that because of the supply chain disruptions, he would also like to have the option to install a nonreflective metal siding that is not necessarily galvanized. Chairman Hohensee confirms that the motion made allows for COR-TEN® steel siding, nonreflective or similar, either flat or corrugated. Land-use Planner stated that he was concerned with the loose end of 'similar.' Chairman Hohensee requested a message be sent to the City Council stating that the code's language includes gage of steel and reflectivity.

PUBLIC HEARING

3. **Amendments to WSMC5.02 Short-term Rental Draft Ordinance**
a. **Public Hearing**

Chairman Hohensee opened the public hearing at 6:02 p.m.

Written/Spoken comments received:

1. **Jacob Fishman, Inside city resident (testified via Zoom)**
Fishman thanked the Planning Commission as he believes the principles guiding the short-term rental decision are balanced between commercial and residential use. He stated that he has lived in the community for four years and supports keeping business. Fishman proposed that a short-term rental permit applies to a parcel instead of per dwelling unit. He stated that the day limit should be higher than 90-days a year for investing purposes. He proposed that if a quota is imposed, the permit can be renewed every 8-10 years vs. 5 years, as the average time a property owner owns a home is 8 years. He further proposed 'first in – first out' instead of a 'lottery system.' Fishman adds he is currently developing property near downtown to short-term rent.
2. **Kaycee Flinn, Inside city short-term rental business owner (Written Comment)**
3. **Joseph Schneider, Inside city cleaning business owner (testified via Zoom)**
Schneider stated that he has been a local vacation rental cleaner for three years and that if White Salmon were to eliminate (or limit) the number of short-term vacation rentals, it would significantly impact his income. He estimates 60% of his clients are short-term rental owners. Schneider requests the Planning Commission to consider other cleaners and not limit the number of short-term vacation rentals.
4. **Dan Baier, Inside city resident (Written Comment)**
5. **Virginia Hartnett, Inside city resident (testified via Zoom)**

Hartnatt shared she organized property owners on NE Green Street to sign in favor of the moratorium; of 19 homes, 11 are primary homeowners. She doesn't think that 90-days is too short for short-term rental owners. She said she loves her neighborhood and wants to preserve it. She added that she doesn't have to worry about their surrounding short-term rentals at this time but states that they do need to be regulated and controlled.

6. **Laurel Schmidt, Inside city resident (Written Comment)**

7. **Amy Sousa, Inside city resident short-term renter (testified via Zoom)**

Sousa stated she is an owner-occupied short-term rental owner (for the past year). She shared that her accessory dwelling unit (ADU) has helped pay their mortgage as they were unsure if they could afford the home otherwise. She stated that she believes the proposed amendments do not address the issues it is trying to address as there has been no data to justify the imposed statements. Furthermore, she believes it favors those in the commercial/multi-family zones to short-term rent where she believes that affordable housing would be more appropriate (based on their size and numbers). Sousa disagrees with the assumption that ADUs in the single and two-family residential districts were intended for long-term rental. Sousa stated that if she could no longer short-term rent her ADU, she would not provide long-term housing. She disagrees that short-term rentals place a disproportionate burden on the community compared to hotel guests; therefore, she is opposed to Title 5.02 as she feels it infringes on personal privacy laws protecting PII.

8. **Guillermo Maldonado, Inside city resident short-term renter (testified via Zoom)**

(In continuation of Amy Sousa comment) Maldonado stated that no data indicate that short-term rentals are a more significant burden on the community's businesses and livelihood than hotel guests. He is concerned that the city is making assumptions and requests that changes to Title 5.02 be delayed until data is published.

9. **Josh & Martha Coombs, Inside city resident short-term renter (Written Comment)**

10. **Shellee McCullick, Inside city resident short-term renter (to testify via Zoom)**

McCullick stated that she is a real estate agent and has a short-term rental in White Salmon with the hope of retiring here; she currently lives five months out of the year here. She is concerned about the limit of days she can rent as she has made important financial decisions based on being able to short-term rent the home. McCullick stated that she has operated the house legally, with no violations/complaints, and asks the planning commission to consider the following: (1) current responsible, permitted, and licensed short-term rental owners in White Salmon should be grandfathered into any new ordinances with the ability to operate their investments as the permits were initially intended; (2) Successful short-term renter permit owners should not be penalized after five years; and (3) a lottery permit system does not seem fair or reasonable for people who are trying to make important financial decisions or investments that significantly affect their future.

11. **Craig Ludwig, Inside city resident short-term renter (Written Comment)**

12. **Peter Vieth, Inside city short-term rental business owner (to testify via Zoom)**

Vieth stated he is a short-term rental business owner residing outside of town. He said that he lived in White Salmon before he lost his job, and short-term

renting became the best use of the property. He believes there are false perceptions on short-term rentals: (1), it's not 'a cash-cow,' he stated he has only broken even one year out of six; and (2) 'owners do not care about the community,' he said he had operated legally, known his neighbors, has contributed to White Salmon through volunteering and made improvements to the home for a better neighborhood, plus his guests contribute to the community's economy. Vieth stated that he would not rent long-term as he believes it would deny the use of his property; if he could not short-term rent, he stated that the property would likely become 'a dark-house.'

13. **Stephanie Huntington, Inside city short-term rental business owner (Written Comment)**
14. **Michele Reitz, Inside city short-term rental business owner (testified via Zoom)**
Reitz stated that she is a long-time resident and short-term rental business owner in White Salmon; she added that she operates legally and with a management company. She said she relies on short-term rental income and understands many of the proposed regulations. She would like to suggest protection for those that depend on the rental income, whether a resident or business owner. Reitz thinks the lottery system sounds arbitrary, and believes short-term rentals exist to bolster the economy and advertise for local businesses.
15. **Carl McNew, Inside city short-term rental business owner (Written Comment)**
16. **Jason Askins, Inside city short-term rental business owner (testified via Zoom)**
Askins stated he is concerned over the proposed 90 vs. 180 short-term rental limits as he thinks they are arbitrary. He said that if the objective is to incentivize long-term rent outside of the short-term rental window, it leaves four months. He added that leases do not work in that manner and would likely be reserved for family guests. Adkins believes limiting short-term rentals could impact the community's economy; he added that at an average guest spends \$50-70 a night, with an 80% year occupancy, the guests of one short-term rental could annually contribute between \$15-23,000.00. Askins stated that it is upsetting to hear homeowners say that they could not afford their mortgage without short-term rentals, and limiting that income could be unfortunate.
17. **Shane Phelps, Inside city short-term rental business owner (Written Comment)**
18. **Sonja McClanahan, Inside city cleaning business owner (testified via Zoom)**
McClanahan stated she has run a cleaning business out of Bingen, WA, for five years, has 10-14 employees and said short-term rentals provide 2/3 of her revenue. She has concerns about limiting short-term rentals as she believes it could bankrupt companies and individuals. She believes that half her employees would lose their jobs within her business without short-term rentals and put her company in jeopardy. She stated that short-term rental owners and guests benefit the economy. She thinks that if short-term rentals are converted into long-term rentals, it would not reach those who need it the most and may hurt many more in the process. McClanahan requests the Planning Commission consider all the ramifications and grandfather in the existing short-term rentals to continue operating through the moratorium.
19. **Susan Svensson, Inside city short-term rental business owner (Written Comment)**
20. **Sam Grimm, Inside city short-term rental business owner (testified via Zoom)**

Grimm stated that he would echo all the same comments already made. He said that he and his wife recently bought a home in White Salmon, anticipating the short-term rental income would assist with living expenses. He shared that short-term renting has given him flexibility and supplemental income as he has hosted for people all over the world. Grimm requested that those who are licensed and legally operated be grandfathered indefinitely.

21. **Mark Thompson, Inside city short-term rental business owner (Written Comment)**

22. **Laurel Harper, Inside city short-term rental business owner (testified via Zoom)**

Harper shared that she has operated a home-occupied short-term rental for four and a half years with no complaints and off-street parking. She said that her housekeeper is also a White Salmon resident paid more than \$26.00/hr and estimates her guests spend (a conservative) \$20,000.00 in restaurants annually. Harper stated that she does not think there should be a limit on the number of nights, does not think there should be a complete kitchen requirement, and believes cooking facilities may be more hazardous. She disagrees that homeowners should display contact information outside a short-term rental and believes the drawing system would cause chaos.

23. **Julie Burgmeier & Rob Lutgens, Inside city short-term rental business owner (Written Comment)**

24. **Adrienne Grimm Inside city short-term rental business owner (testified via Zoom)**

Grimm stated that she is concerned with the rush and lack of data to support the moratorium on short-term rentals. She said that she has hosted for five years with zero complaints; made energy-efficient upgrades to her home; and hired local cleaners with the supplemental income. She stated that she should not be penalized with the new rules after making a significant purchase, anticipating a short-term rental business, and the 90-day limit is too short. Grimm states that her home was previously operated as a non-occupied short-term rental year-round for many years before their purchase. She requests the Planning Commission to grandfather in her short-term rental to not risk losing that ability. She stated that it seems incongruent for the city to have clear goals to increase tourism in the comprehensive plan but consider damaging the rules for permitted short-term rentals.

25. **Lisa Cicala, Inside city short-term rental business owner (Written Comment)**

26. **Michael Tinervia, Inside city short-term rental business owner (testified via Zoom)**

Tinervia stated that he is a residence and super host. He stated that he purchased his home to rent out while away fighting forest fires. As a middle-class professional, he said that he could not afford the cost of living in White Salmon, WA, without supplemental income from his short-term rental business. Tinervia shared that he would be forced to leave his home without this income. Tinervia questions if anyone really believes that regulating short-term rentals would lower the cost of house prices. He stated that he understands the arguments but would not like rapid solutions to fix complicated problems. He said The Gorge is forever on the map of tourism, for better or worse, and punishing local homeowners is not an appropriate answer; he stated that White Salmon is lucky that tourism has kept the local businesses afloat during this difficult time.

27. **Lisa Evans, Inside city business owner (Written Comment)**

28. **Dennice Dierck, Inside city hotel business owner (testified via Zoom)**
Dierck stated she and her husband have owned The Inn of the White Salmon since 2017 and has been in operation since 1937. She said that her thoughts over the last two years in short-term rental discussions is the need for affordable year-round housing, and she hopes that it can be obtained by zoning and limiting short-term rentals. She states that the percentage of short-term rentals is high and encourages others to read past meeting minutes. Dierck stated that being local business owners, their primary concern is their employee's housing because it's difficult to maintain employees for the lack of affordable housing options, although wages are comparable to large metropolitans in Washinton. She added that their housing is uncertain from May to September, during the primary short-term rental season. Dierck stated that she advocates keeping the downtown commercial area reserved for retail space.
29. **Archer Mayo, Inside city business owner (Written Comment)**
30. **Leigh Hancock, Inside city short-term rental business owner (testified via Zoom)**
Hancock stated that she has been a resident for 30 years, appreciates the small-town charm, and is a short-term rental host. She seconded others' comments and said that her guests had brought tons of money into White Salmon, WA. She appreciates the effort to make strong neighborhoods, but she thinks the new rules are arbitrary and would not meet the city's goals. She believes accessory dwelling units are the most optimal way to operate a short-term rental. She stated that her accessory dwelling unit would not be rented long-term as it does not have full cooking facilities but works well as a short-term rental. Hancock said that she does not understand the limit on nights and believes fully licensed short-term rentals should be grandfathered.
31. **Mark Sanborn & Sandra Linnerud, Inside city owner (Written Comment)**
32. **Kevin Driscoll, Inside city short-term rental business owner (Written Comment)**
33. **David Johnson, Inside city business owner (Written Comment)**
34. **Dorothy Herman, Inside city short-term rental business owner (Written Comment)**
35. **Gerald Gadotti, Inside city business owner (testified via Zoom)**
Gadotti stated that he and his wife are small business owners beyond operating a short-term rental. He shared that he and his wife employ 20 employees. He said that he doesn't believe the proposed short-term rental regulations are going to accomplish what the city intends as most of the homes, if rented long term, would be outside the income of the average wage; therefore, he doesn't think it would contribute to the affordable housing issue. Gadotti stated that Hood River, OR saw that several homeowners had to sell their vacation homes when the regulations were tightened because they didn't have the supplemental income to support their mortgage.
36. **Julie Burgmeier, Inside city short-term rental business owner (testified via Zoom)**
Burgmeier stated that she has a short-term rental owner-occupied business and supports adding an extra 2% lodging tax on STR's to go into an affordable housing trust fund to make short-term rentals the solution to the housing issues in White Salmon, WA.
37. **Trevor McDiarmid, Inside city short-term rental business owner (testified via Zoom)**

McDiarmid stated that he is a new resident, but short-term rented in the area before deciding to move from Seattle, WA where he previously owned a short-term rental business and would like to replace it here. He thinks that the fear of the neighbors to the short-term rentals seems to be expressed louder than the positive experiences that the hosts have had by creating a home business. McDiarmid stated that he would like the data and more public comments to support the proposed changes.

Chairman Hohensee closed the public hearing at 7:33 p.m.

Comments collected after the public hearing:

1. David Johnson, Inside city business owner
2. Dorothy Herman, Inside city short-term rental business owner
3. Peter Vieth, Inside city short-term rental business owner
4. Shellee McCullick, Inside city resident short-term renter
5. Michael Tinervia, Inside city short-term rental business owner

b. Discussion

Land-use Planner, Brendan Conboy, presented to the Planning Commission the short-term rental moratorium and regulations. Commissioners appreciated the additional short-term rental data.

Commissioner Henry asks if the city has coordinated with the county regarding short-term rental regulations in the urban exempt area. Planner Conboy stated that the city is coordinating with the county on a number of issues, including short-term rentals, but further discussions would be needed.

Commissioner Stevenson asked what cities has staff communicated with regarding their short-term rental percentage. Planner Conboy stated that he had spoken with the City of Hood River, OR, as they are the only city in our area regulating short-term rentals.

Chairman Hohensee requested clarification on the 2019 housing study that estimated 21% of the housing inventory in White Salmon was seasonal/vacant. Staff clarified that short-term rentals would fall partly within occupied but mainly in the seasonal/vacant percentage.

Commissioner Gilchrist asked if the reported 21% seasonal/vacant percentage is per unit or property. Planner Conboy clarified that it may not include accessory dwelling units and that the number came from the latest urbanization study. Staff did not know how many of the existing short-term rental permits are accessory dwelling unit permits vs. homeshares.

Chairman Hohensee sought to clarify outright use in the commercial zone and create a conditional use permit process outside of said commercial zone. He stated he would like to clarify what would happen to the existing short-term rentals and if one applied for a short-term rental after the moratorium ends.

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

Commissioner Gilchrist stated that he appreciated the public comment and was moved by it as this was the most input the Planning Commission has had in this process. He said that the city should not increase its debt in the number of people the city would accommodate, therefore supporting a conditional use permit process moving forward. He said that otherwise, it would tie the city's hands to effectively regulate short-term rentals.

Commissioner Henry had no objection to proposing the conditional use permit for new short-term rentals.

The Planning Commission generally agreed to regulate short-term rentals differently in the downtown core area. It was decided that existing buildings that are currently commercial store front or any new construction cannot have residential use on the Jewett access.

Commissioner Gilchrist stated that he would like to keep units in the downtown as long-term rentals. He requested that staff look into the minimum/maximum square footage of residential units in the commercial area. He clarified that the proposed 50% guideline is of a building's residential units, not 50% of its square footage.

Commissioner Stevenson stated that they know there are many long-term rental units in the downtown core and think 50% is too high as they would not like to affect the current residential units adversely. Commissioner Henry agreed.

Commissioner Gilchrist stated that it might be best to lower the percentage of the short-term rental units to 30% and rounded up.

Commissioner Henry would like the city to distinguish between commercial properties versus existing residential properties in the commercial zone.

The Planning Commission generally agreed that a 30% (rounded up) of the residential units may be short-term rentals. Further discussion for existing residential properties within the commercial zone and grandfathering was tabled.

Commissioner Stevenson expressed concern for the parking requirements in the commercial area.

The Planning Commission discussed that new construction would require on-site parking and questioned if the existing properties would then be required to provide additional parking.

Commissioner Gilchrist suggested that if existing commercial properties or units change use, it does not increase parking. Further discussion for parking within the commercial downtown was tabled.

The Planning Commission generally agreed that short-term rental permits in the downtown commercial zone should be renewed annually and should not be further limited beyond the total residential unit percentage (meaning no lottery expiration).

Commissioner Stevenson shared he reached out to the City of Leavenworth regarding their handle of short-term rentals. He stated that Levensworth is a similar size city and strictly does not allow short-term rentals within the commercial zone; instead, they have a bed and breakfast zone. Commissioner Stevenson recommends that the commission review where bed and breakfasts fit in White Salmon.

The Planning Commission thanked the audience for their comments and encouraged them to attend the next meeting as they continue the public hearing for the proposed amendments to WSMC5.02 Short-term Rental Ordinance on November 10, 2021.

ADJOURNMENT

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

Greg Hohensee, Chairman

Erika Castro Guzman, Associate Planner

File Attachments for Item:

2. Meeting Minutes - November 18, 2021



CITY OF WHITE SALMON
Planning Commission Meeting - Thursday, November 18, 2021
DRAFT

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Greg Hohensee, Chairman
Seth Gilchrist
Tom Stevenson
Michael Morneault

Staff:

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

Excused:

Ross Henry

CALL TO ORDER/ ROLL CALL

Chairman Greg Hohensee called the meeting to order at 5:32 p.m. Four audience members attended by teleconference. A quorum of planning commissioner members was present.

ACTION ITEMS

1. Short-term Rentals

a. Discussion continued from November 10 meeting

The Planning Commission discussed the latest version of Title 5 – Business Licenses, Taxes and Regulations, Chapter 5.02 Short-term Rentals.

The planning commission agreed-upon changes to the following language:

5.02.010 Definitions.

- B.1: Confirm what is a ‘hot plate’ with Bill Hunsaker, Building Official.
- C: Confirm if daytime hours would trigger an update to the noise ordinance.
- D: *“Downtown commercial zone” refers to land zoned commercial in the downtown commercial core centered on Jewett Avenue between NW Garfield to Dock Grade Road. ~~Commercial zoned land which does not adjoin the downtown commercial zone is ineligible for short term rental.~~*
- E: *“Hosted homeshare” The short-term rental of a portion of a dwelling or an attached or detached separate accessory dwelling unit (ADU) while the homeowner is present on the property of the licensees’ primary address, where the licensee is generally present during rental periods. ~~For the purposes of this Title, “present” means the homeowner is staying in the primary dwelling unit overnight.~~*
- J: *“Owner occupancy.” Owner occupancy is demonstrated through providing a previous year’s tax return, and a copy of either a driver’s license or identification card, and ~~or~~ voter registration card demonstrating that the unit is the primary residence of the owner.*

5.02.020 Application and fee.

- *Application Required. An application for a short-term rental permit shall be completed and submitted to the city on a form provided by the city. The application shall be signed by the owner or owner's agent ~~contact person~~ and contain the following information:*
- A.1: Owner Information. Owner's name, permanent residence address, telephone number, owner's mailing address, and the short-term rental address and landline telephone number, when available.
- A.2: Proof of Residential Dwelling Use (for conforming short-term rentals within the RL, R-1, R-2 or R-3 zones only). ~~The residential use~~ Proof of residency of a dwelling unit shall be established through owner occupancy of its continued use as the primary residence of ~~the property owner~~. The applicant shall provide at least two of the following items as evidence that the dwelling is the primary residence of the owner:
 - a) A copy of the voter registration, and;
 - b) A copy of a Washington Driver's License or Identification Card, and;
 - c) A copy of federal income tax return from most recent ~~last~~ tax year (page 1 only financial data should be redacted).
- A.2.C: *Contact Person Information. If the owner is not always available when a vacation home or hosted homeshare ~~property~~ is being rented, the owner shall provide the name, telephone number and email of a contact person from the local area to represent the owner regarding the use of the property and/or complaints related to the short-term rental as set forth in WSMC 5.02.040.*
- A.10: *Liability Insurance. A statement of intent to provide liability insurance coverage as required by WSMC 5.02.040.G. ~~If the permit is being renewed, proof of liability insurance is required.~~*
- A.11: *Listing Number. ~~If they advertise, the listing numbers or website addresses of where the short-term rental advertises (such as the VRBO/Airbnb/rental website number, account number, URL, etc.).~~*
- Adjust numbers between A.11-A.14

5.02.025 Term of annual permit.

- B: *Transferability. The operating license shall be issued in the name of t*
- *he licensee(s) and is not transferable– and not transferable to a new property owner or account without submitting of a new short-term rental application.*
- B: To be reviewed by Ken Woodrich, City Attorney.

5.02.030 Permitting and renewal procedures.

- A.1.a: *New Permits. For new short-term rental permits, it is the responsibility of the owner or owner's agent ~~contact person~~ to apply for and receive a permit prior to operation of a short-term rental. Short-term rental permits shall be processed as a conditional use permit. Applications for conditional uses shall be processed as a type I-B decision by the administrator for simple applications or as a type II decision where in the administrator's discretion additional public input or planning commission review is necessary or appropriate according to procedures set forth in Title 19.*

- D.1.b: *There is no limit on the number of short-term rental permits an individual or entity may obtain in the downtown commercial core.*
- D.1.b: To be reviewed by Ken Woodrich, City Attorney.
- D.2: *Cap on permits outside the downtown commercial core. The city limits the amount of overall hosted homeshare and vacation home rental permits issued annually in the RL, R1, R2, and R3 zones to 10% of housing units and shall be adjusted by the administrator based upon the most recent housing data reported by the City to the Washington Office of Financial Management annually prior to issuance of new permits.*
- D.4: *Downtown commercial core. There is no cap on the number of short-term rental permits in the downtown commercial core. No more than 30% of residential units within any building in the downtown commercial core zoning district may be used as short-term rentals. This number shall be rounded to the nearest integer, with a half integer rounded down, depending on the number of existing or proposed units. For example:*
- E: *Permit Expiration. For renewals, upon expiration of a thirty-day late period commencing January 31st of each year ~~at the end of each calendar year~~, the ability to operate shall be conclusively presumed to be discontinued and the city will commence revocation of the permit pursuant to the procedures in WSMC 5.02.045. Failure to exercise the permit will result in nonrenewal.*
- E: To be reviewed by Ken Woodrich, City Attorney.

5.02.035 Criteria for approval and renewal of a permit.

- A: To be reviewed by Ken Woodrich, City Attorney.
- B: Health and Safety. Every short-term rental permit shall be subject to inspection by the building official or designee at the city's discretion. The purpose of the inspection is to determine conformance with the Short-Term Rental Fire Safety Checklist (fire extinguishers, smoke alarms, carbon monoxide detectors, posted evacuation plans, etc.).
- D: Permit Renewal. Upon receipt of a complete application for renewal of a short-term rental permit and payment of all required fees, the city will review the application and available information to determine compliance with the operational requirements of WSMC 5.02.040. If not met, the city administrator ~~or designee~~ or designee will not renew the permit and the property shall not be used as a short-term rental. ~~Alternatively, the city administrator may issue the permit subject to reasonable special operational standards.~~

5.02.040 Operational requirements.

- B-1: Parking. A minimum of one (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. A photo of all parking spaces including the interior of the garage, if applicable, shall be submitted to show parking availability. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.
- B-1: Add table for parking.
- E: Notice to Neighbors. The owner or contact person shall provide a mailing or otherwise distribute by hand prior to the initial permit, a flier to all property

owners of record and/or occupants of properties adjacent to and abutting the property boundaries of a radius of 150 feet permitted as a short-term rental.

5.02.045 Revocation procedure.

- A-5-a: For the first and second violations within the period of the permit issuance ~~a twelve-month period~~, the sanction shall be a warning notice.

b. **Action**
Proposed Amendments to Title 5 – Business Licenses, Taxes and Regulations, Chapter 5.02 Short-term Rentals.

Moved by Seth Gilchrist. Seconded by Tom Stevenson.

Motion to send Title 5 – Business Licenses, Taxes and Regulations, Chapter 5.02 Short-term Rentals, as amended in this session, to the City Council for review.

CARRIED 4–0.

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

Discussion: City Council will tentatively hold its first public hearing on this said document on December 1, 2021, during their regularly scheduled meeting.

ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

Greg Hohensee, Chairman

Erika Castro Guzman, Associate Planner

File Attachments for Item:

3. Proposed Conditional Use Permit 2021.005

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



CITY OF WHITE SALMON

MEMORANDUM

Meeting Date:	February 9, 2022	Meeting Title:	Planning Commission
Submitting Department:	Planning Department	Presenter:	Brendan Conboy, Planner
Agenda Item:	Conditional Use Permit – Duplex 415 E. Jewett Blvd.	Public Comment:	Yes

Applicant Julie Burgmeier & Rob Lutgens
 PO Box 2264
 415 E. Jewett Ave.
 White Salmon, WA 98672

Representative Tyson Gillard, Saga Design Build, Inc.
 1767 12th St., #145
 Hood River, OR 97031

Location

The subject property, owned by Julie Burgmeier & Rob Lutgens, represented by Saga Build Design, Inc., is located at 415 E Jewett Boulevard. The parcel’s total square footage is 5,739 square feet.

Described as Klickitat County parcel and legal description:
 Parcel 03111972050100: LOT 1 BLK 5 ORIG WS SWSW; 19-3-11.

Description of Proposal

The parcel in question is a 5,739 square foot Commercially zoned lot at the intersection of Jewett Boulevard and SE 4th Avenue. An existing duplex structure is located on the front of the lot and contains one long-term rental and one short-term rental. The applicant intends to construct a 2,561 square foot, 30’-4” tall, three-story residential duplex on the rear of the lot. The applicant proposes two stacked units separated by a ceiling.

The property is located approximately two blocks east of the main downtown corridor. Surrounded to the south, north, and east by a mix of predominantly single-family and multi-family residential properties and adjacent to multiple commercial/institutional properties to the north and west. These include an auto repair facility, chiropractic office, and Bethel Congregational Church. The site has an approximate 15-foot slope from north to south across 115 linear feet of property depth with no noticeable hazardous conditions.

The property contains four large oak trees (all to remain within the current design parameters). The ‘[Heritage Trees](#)’ on site will require buffers that the proposed building will encroach into, lest the applicant receive a variance for the buffers. Additionally, the applicant is requesting a reduction in parking requirements based upon the expected use of the site and plans for landscaping. Note, see staff’s suggested required conditions of approval which aim to address the requests through the

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requirements for variances and other measures, should the Planning Commission approve the Conditional Use Permit.

Zoning

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

Public Notice

Notice of the proposed conditional use permit was sent via USPS Mail to 36 property owners of record adjacent to the subject property on January 27, 2022, allowing a minimum ten calendar days to comment in accordance with White Salmon Municipal Code (WSMC) 16.65.060(3)(G). The comment period ends on February 9, 2022.

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

Notice was posted on site with two laminated signs, at the library, post office, and bulletin board outside City Hall. Upon the conclusion of the commentary period, two letters of commentary had been received.

WHITE SALMON 2040 COMPREHENSIVE PLAN

Land Use and Urbanization, Land Use Designations, Commercial and Industrial Lands ([p. 11](#)):

Lands designated as Commercial, or C, are envisioned as primarily retail, hospitality, and commercial office areas. Businesses that would likely operate in these areas include grocery stores, pharmacies, restaurants and breweries, banks, hardware and home improvement stores, personal services, and convenience goods for local residential neighborhoods, nearby communities, and visitors alike. Hotels and short-term rental properties are also permitted within this designation, uses which add to the diverse character of this designation. There are three areas designated for commercial use, including one on the north side of the city, adjacent to similar commercial areas in the Urban Exempt Area. These areas are largely developed, and infill and redevelopment are expected to continue over the next 20 years.

Fact: The duplex meets the intent of the White Salmon's Comprehensive Plan, General Commercial District, as the proposed residential development is located on a lot with an existing short-term rental, a designated commercial use on commercial properties and under ownership and operation by the applicant.

1. WHITE SALMON CONDITIONAL USE PERMIT PURPOSE AND CRITERIA ORDINANCE

Per WSMC 19.10.30.(A):

Determination by Planning Administrator. The planning administrator or his or her designee (hereinafter the "Administrator") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the administrator shall resolve it in favor of the higher procedure type number.

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Finding: The Planning Director has elevated the approval of the use to the Planning Commission as a Type II review in order to determine conformance with WSMC Sec. [WSMC Ch. 17.48.30](#) requiring Planning Commission approval.

White Salmon Municipal Code 17.80.055(5) states,

“The administrator or the planning commission shall hear and decide applications for conditional uses in certain districts; provided that any conditional use permit granted is subject to and consistent with the following conditional use permit review provisions:”

“a. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property;

Finding: In general, the intended character of the proposed building is of a quality appearance with natural colors that are fitting near the subject property. The proposed is an appropriate design and will improve compatibility with the physical characteristics of adjacent existing structures.

“b. The conditional use will be served by adequate public facilities including streets, fire protection, parking, water, sanitary sewer, and stormwater control;”

Finding: Adequate public facilities are available in this location for the proposed development. Parking will be a Condition of Approval to assure sufficient parking stalls are available for the residential units, WSMC 17.72.090. City water and sanitary sewer connections are mandatory due to their proximity and availability. No mainline water or sewer upgrades are expected. Stormwater control will be a Condition of Approval to assure water shall be collected, retained, and disposed of on-site, WSMC 17.48.075(D).

“c. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel;”

Finding: The subject proposal is not materially detrimental to the immediate vicinity.

“d. The conditional use has merit and value for the community as a whole;”

Finding: The subject proposal adds value to the community as the additional long-term dwelling units add to the City’s housing stock and thereby address the housing crisis locally in some measure. Staff suggests a condition of approval specifying that the new long-term residential units may not be short-term rented.

“e. The conditional use is consistent with the goals and policies of the city of White Salmon's comprehensive plan;”

Finding: The subject proposal does not comply with White Salmon’s policy to allow up to a maximum of sixty-percent residential space as part of a commercial structure; WSMC 17.48.030(A)(2), however the proposal does not preclude the redevelopment of the front portion of the site as partially or entirely commercial space. Staff suggests a condition of approval requiring any redevelopment of the structure located along Jewett Boulevard to contribute to the street front and commerce.

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“f. The conditional use complies with all other applicable criteria and standards of the White Salmon Municipal Code; and...”

Finding: The subject proposal generally complies with criteria and standards of the Code.

“g. That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.”

Finding: An adjacent radius search around 415 E Jewett Blvd was conducted and identified 36 real property owners (not including City-owned real property) who were mailed notice of the proposed project. Two letters of comment, including a petition of nonsupport, was received. Staff finds no substantial detrimental effect on the public interest by the proposed development.

2. WHITE SALMON MUNICIPAL STATURE OF BEARING

A. BUSINESS LICENSES, TAXES AND REGULATIONS

White Salmon Municipal Code 5.04.070 states:

“All annual business licenses issued pursuant to the provisions of this chapter shall be valid until December 31st of the year for which they are issued, and all renewals thereafter shall be for a period of one year commencing January 1st of the year for which the license is issued and terminating and expiring December 31st of that year.”

Finding: Julie Burgmeier has an existing permit for the short-term rental of one of the existing duplex units fronting Jewett Boulevard.

B. C—GENERAL COMMERCIAL DISTRICTS

Per the requirements of [WSMC Ch. 17.48.30](#) residential construction in the Commercial zone requires a conditional use permit. Uses which may be authorized subject to conditional use permit review by the planning commission in a C district are intended to provide for compatible manufacturing, light industrial, residential, and storage uses especially in conjunction with retail use. Uses possible to permit conditionally include:

A. Residential - Condominium, apartment, and other dwelling types including balconies, outside courts or patios and constructed or renovated to be included as an integral part of a commercial or retail structure with the following conditions:

1. The dwelling units shall have a minimum living area of six hundred square feet and a maximum of one thousand five hundred square feet.

Finding: The proposed dwelling units have a minimum of 600 feet and a maximum of one thousand five hundred square feet

2. Residential uses shall not be more than sixty percent of the total square footage of the structure(s).

Finding: Complies, as conditioned. The proposed structure will exceed the sixty percent of total square footage of the structure(s). This does not preclude the redevelopment of the front portion of

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the lot as a commercial structure in the future which would potentially bring the square footage into compliance with the 60% overall limit. Staff suggests a condition of approval requiring any future development of the front portion of the lot to achieve an overall maximum of 60% residential square footage for all square footage on site.

3. The design of commercial establishments which include dwellings shall be a matter subject to review and approval by the planning commission.

Finding: The proposed duplex Conditional Use Permit shall be reviewed and approved, approved with conditions, or denied by the Planning Commission.

4. If located on or along a commercial street front the building design shall be required to support and contribute to street front commerce;

Finding: The proposed duplex is located to the rear of a lot with commercial street frontage. Staff suggests a condition of approval requiring any redevelopment of the structure located along Jewett Boulevard to contribute to the street front and commerce.

White Salmon Municipal Code 17.48.060, states:

“Density provisions for the C district are as follows:

- A. Maximum building height: three stories, but not to exceed thirty-five feet;
- B. Minimum lot: none;
- C. Minimum front yard depth: none required;
- D. Minimum side yard, interior lot: none required;
- E. Minimum side yard, corner lot: none required;
- F. Minimum side yard, zone transition lot: same as requirement of adjoining more-restrictive district;
- G. Minimum rear yard: none; except when abutting an R district, twenty feet.”

Findings: The proposed duplex structure is 30’-4” in height, below the 35’ height limit. The proposed duplex structure meets all required setbacks. The proposed structure meets the twenty-foot requirement for rear yards abutting an R district. The structure is setback 36’-5” from a 19’-8” alley.

White Salmon Municipal Code 17.48.070, states:

“Prohibited uses:

- A. Industrial and manufacturing uses or services unless limited in nature and permitted in accordance with uses listed above.
- B. Warehouses and storage facilities unless limited in nature and permitted in accordance with uses listed above.
- C. Junk and salvage yards, automobile or truck wrecking yards.
- D. Open storage areas.
- E. Any business, service, repair, processing or storage not conducted wholly within an enclosed building, except for off-street parking, off-street loading, automobile service stations and limited outside seating for restaurants and cafes.
- F. Processes and equipment and goods processed or sold determined to be objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, water-carried waste, or not in compliance with the fire code.”

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Findings: The residential dwellings do not illustrate prohibited uses.

White Salmon Municipal Code 17.48.075, states:

“Development and design standards.

A. Property development standards—All new development shall conform to Chapter 17.81, Site and Building Plan Review, and to any and all architectural and design standards which may be adopted by the city.

B. Roof standards/surfacing:

1. Finished roof material shall meet Class "C" roof standards. Dark and non-reflective roofing material shall be used for all visible roof surfaces.”

Findings: The applicant is proposing a flat roofed structure. The applicant shall comply with the provisions of WSMC 17.48.075 in order to obtain a building permit.

“C. Roof standards/mechanical equipment and venting:

1. All mechanical equipment located on roof surfaces such as, but not limited to, air conditioners, heat pumps, fans, ventilator shafts, ductwork, or related devices or support work, shall be screened from view when possible and visible equipment shall be of a matte and/or non-reflective finish, unless reviewed and determined by the planning commission to be compatible with or a positive addition to the design and character of the commercial area. This restriction shall not apply to radio/television antennas or dishes (see Chapter 17.78).”

Findings: Information submitted with the application does not indicate whether exposures are non-reflective. It shall be a Condition to Approval that all exposures are non-reflective.

“2. All exposed metal flashing, roof jacks and plumbing vents shall be matte finishes/non-reflective.”

Findings: It shall be a Condition of Approval that all exposures are non-reflective.

“D. Drainage—All storm water concentrated by the structure and related impervious surfaces must be handled on site. Concentration of roof drainage shall not be shed by drip or overflow at points that cross pedestrian walkways or paths. A plan of the roof and surface drainage shall insure that pedestrian walkways and paths remain free from concentrated water shedding. Such plans shall be included in the proposed site drainage plan required for site and building plan review in Chapter 17.81.”

Findings: The applicant shall provide a Stormwater Analysis as a Condition of Approval to be submitted with the building permit. A Stormwater/ Erosion Control Plan shall be submitted to the City Planning Department. The plan shall ensure that stormwater run-off from the additional unit does not exceed pre-development rates and shall include appropriate treatment for run-off from impervious areas before discharge to the natural drainage areas of the property. The plan shall provide for individual lot on-site collection, retention, and release to either surface (hydrological) or subsurface (geophysical) receivers. The analysis is to consider the hydrology generated by a 25-year storm event of 15 minutes duration. Lot grading and other stormwater drainage improvements shall be completed before the Certificate of Occupancy. The Stormwater Analysis is to be completed by a qualified Washington Licensed Professional Engineer.

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“E. Exterior walls/siding—Acceptable siding shall be of lap, plank, shingle, board and batten style. Siding with brushed, sanded or rough sawn texture may be permitted, if approved by the planning commission. Siding shall be finished in natural or earth-tone colors. Other colors or styles may be permitted if approved by the planning commission. All other composition materials shall be carefully reviewed for visual compatibility by the planning commission.

F. Exterior walls/masonry—Masonry walls or walls with masonry veneer may be native or cultured stone or standard-sized brick of natural or earth-tone colors. Ceramic tile, manufactured concrete block or slabs may be permitted, but shall be subject to review by the planning commission to insure use of earth-tone colors, matte finish, and compatible relationship to native materials.

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

H. Windows and doors—All window and door frames shall be dark or earth-tone in color. Doors may be painted graphic colors as a part of the ten percent graphic color and signing limitation.”

Findings: Saga Design & Build, Inc., has taken the exterior wall design criteria and color into consideration, and shall be Condition of Approval that any metal siding shall be dark or earth-toned colors and defined to the Planning Director upon submitting a building permit.

“I. Garbage and refuse areas—Building plans shall include provisions for the storage of garbage containers. Garbage containers shall be fully enclosed and covered. Disposal and storage of hazardous or toxic substances in garbage or refuse receptacles is strictly prohibited. On-site hazardous waste treatment and storage facilities shall conform to State Siting Criteria, RCW 70.105.210.”

Findings: The applicant shall store all garbage and refuse within the proposed garage area.

“J. Orientation of entry and display space—Entry and window display area shall be oriented toward the city street. Parking may and will often be provided behind and/or under the rear or side portion of a new commercial structure. In this case additional entry may be oriented toward the parking area but such additional entry area will be in addition to rather than in place of window display and entry area addressing the street and sidewalk.

Findings: The proposal is for a strictly residential structure.

“K. Utilities—All electrical, telephone, and other utilities shall be brought underground into the site and to the buildings.”

Findings: The structure’s extended utilities shall come from underground connections.

“L. Loading—All loading must be on-site and no on-street loading is permitted. All truck loading aprons and other loading areas shall be paved with concrete or asphalt, be well-drained and of strength adequate for the truck traffic expected.

M. Parking—All vehicles must be parked on the site unless otherwise provided for in accordance with [Chapter] 17.72. No on-street parking is permitted. Minimum parking stall width should be eight feet, six inches and length nineteen feet. All parking areas shall be paved with concrete or asphalt and shall conform to all regulations hereinafter in effect.”

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Findings: Complies, as conditioned. The subject's application site plan shows on-site parking consisting of 4 spaces. Minimal parking size requirements are identified in WSMC 17.48.075(M); there are 4 depicted parking spaces with 0 designated accessible parking space. Per the parking requirements for residential structures, the site should have a total of 7 spaces for the three residential uses and one short-term rental. The applicant is requesting a lesser parking requirement based upon their experience with the operation of the site. Staff suggests a condition of approval requiring the applicant to designate additional parking spaces which may be converted to off-street parking should demand require the provision of such spaces. The provision of three additional spaces on an approved site plan shall be provided by the applicant prior to a certificate of occupancy. Such spaces may remain in a landscaped form until such time they are required for additional parking based upon a the determination of the Planning Director should complaints arise.

"N. Outside storage—All storage and refuse shall be visually screened by landscaping barriers, walls or coverings and be included in plans and specifications. Such barriers, walls or coverings shall not restrict access to emergency exits."

Findings: The submitted site plan does not identify an outside covered refuse storage area for the residential uses on the property and none are expected outside of garage storage.

"O. Noxious effects:

1. No vibration other than that caused by highway vehicles or trains shall be permitted which is discernible at the property line of the use concerned.
2. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Exterior lighting shall be directed away from adjacent properties.
3. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard."

Findings: The subject property does not anticipate any additional vibrations. Lighting shall be planned accordingly to code by Saga Design & Build, Inc. All materials shall be handled appropriately during and after construction not to create propagation of insects or rodents and hazards.

White Salmon Municipal Code 17.48.080

"Off-street parking space. In the C district, minimum off-street parking shall be provided as specified in Chapter 17.72. Most notably Section 17.72.060 exempting some existing structures from being required to meet off street parking standards and limiting the instances in which expanded building areas are required to meet a parking standard. Allowances for parking to be located walking distance from a new structure and joint use of spaces per Section 17.72.070 may also be authorized when determined by the planning commission to provide appropriate flexibility in the application of parking requirements in the core downtown area. (Jewett commercial street front)."

Findings: Complies, as conditioned. Staff recommends a Condition of Approval requiring the applicant to designate additional parking spaces which may be converted to off-street parking should demand require the provision of such spaces. The provision of three additional spaces on an approved site plan shall be provided by the applicant prior to a certificate of occupancy. Such spaces may remain in a landscaped form until such time they are required for additional parking based upon the determination of the Planning Director should complaints arise.

C. OFF-STREET PARKING AND LOADING

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White Salmon Municipal Code 17.72.090 states:

“Number of spaces for designated uses.

The following sets out minimum standards for parking spaces:

<u>Use</u>	<u>Spaces Required</u>
Residential Structures	2 for each dwelling unit unless otherwise specified

Findings: Complies, as conditioned. The proposed structure is two residential dwelling spaces on a site with an existing duplex containing a short-term rental. Staff recommends a condition of approval requiring the applicant to designate additional parking spaces which may be converted to off-street parking should demand require the provision of such spaces. The provision of three additional spaces on an approved site plan shall be provided by the applicant prior to a certificate of occupancy. Such spaces may remain in a landscaped form until such time they are required for additional parking based upon a the determination of the Planning Director should complaints arise.

D. CITY OF WHITE SALMON DEPARTMENTS

1. Public Works/ Utilities

In-city water and wastewater are available within E Jewett Blvd and 4th Street. Site plans for building permit shall indicate that electricity, gas, water, and sewer are available.

2. Police/ Fire Safety

No comments at this time. Comments will be provided at Building Permit review.

3. Building Department

No comments at this time. Comments will be provided at Building Permit review.

Attachments

Public Comment

Staff Recommendation

The Planning Director recommends that the Planning Commission conduct a public hearing, take public comment, and discuss the following alternatives:

- A. Deny the application for cause;
- B. Approve the application as presented; or
- C. Approve the application subject to the following Conditions of Approval:
 1. Prior to submittal of Building Permit application, the applicant shall obtain a variance for encroachment into the required buffer from each heritage tree affecting the proposed duplex.
 2. The applicant shall identify three (3) additional parking stall locations which may be required to be improved into off-street parking should the Planning Director or another qualified City representative determine that the existing parking supply is inadequate for the uses on site. Redevelopment of the portion of the lot fronting Jewett Boulevard shall be subject to the current parking requirements in effect in the White Salmon Municipal Code at the time of submittal.

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

Suggested Motion

Based upon the applicant materials and findings of fact as outlined in the staff report dated February 9, 2022, I hereby **approve** the request for a Conditional Use Permit for the construction of a 2,561 square foot, 30'-4" tall, three-story residential duplex at 415 E Jewett Boulevard, subject to the following Conditions of Approval:

1. Prior to submittal of Building Permit application, the applicant shall obtain a variance for encroachment into the required buffer from each heritage tree affecting the proposed duplex.
2. The applicant shall identify three (3) additional parking stall locations which may be required to be improved into off-street parking should the Planning Director or another qualified City representative determine that the existing parking supply is inadequate for the uses on site. Redevelopment of the portion of the lot fronting Jewett Boulevard shall be subject to the current parking requirements in effect in the White Salmon Municipal Code at the time of submittal.
3. Redevelopment of the portion of the lot fronting Jewett Boulevard shall be required to bring the overall square footage of the site into alignment with the requirement for a maximum of 60% residential floor area devoted to residential space, or the most current requirements of the White Salmon Municipal Code at time of application.
4. Any new structure fronting Jewett Boulevard shall maintain a commercial street frontage at the ground floor level.
5. Short-term rental is not an allowed use within either unit of the duplex subject to this application.
6. Stormwater shall be collected, retained, and disposed of on-site, WSMC 17.48.075(D). A Stormwater/ Erosion Control Plan shall be submitted to the City Planning Department. The plan shall ensure that stormwater run-off from the additional unit does not exceed pre-

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development rates and shall include appropriate treatment for run-off from impervious areas before discharge to the natural drainage areas of the property. The plan shall provide for individual lot on-site collection, retention, and release to either surface (hydrological) or subsurface (geophysical) receivers. The analysis is to consider the hydrology generated by a 25-year storm event of 15 minutes duration. Lot grading and other stormwater drainage improvements shall be completed before the Certificate of Occupancy. The Stormwater Analysis is to be completed by a qualified Washington Licensed Professional Engineer.

7. All materials and flashing shall be non-reflective. At the request of the Planning Director, the applicant shall submit materials for approval at time of Building Permit submittal. Materials shall be of a dark or earth-tone hue.



CITY OF WHITE SALMON

CONDITIONAL USE APPLICATION CHECKLIST

The following information or materials are to be submitted with the application:

- I. Site Plan
 - i. Scale shall be appreciate but in no case less than 1" = 40' scale.
 - ii. The property lines of subject parcel.
 - iii. All proposed and existing structures, including payment areas, parking design and location of storm water facilities.
 - iv. If the project involved new construction, show existing and proposed topography lines.
- II. Off Street Parking Plan
- III. Landscape Plan
 - i. A general landscaping plan showing the location of existing vegetation, any trees to be removed, and proposed types and locations of new landscaping.
- IV. Floor plans for all existing and proposed buildings
- V. Building Elevations (side views) for all proposed structures or additions including
 - i. Showing existing and proposed grade levels and label height of building above grade
 - ii. General types of proposed exterior materials
- VI. Adjacent Property Owners
 - i. Names and mailing addresses of all contiguous land owners of the property subject to the conditional use application.
- VII. A State Environmental policy Act (SEPA) Environmental checklist may be required; SEPA requires the identification and evaluation of probable impacts to all elements of the built and natural environment. (RCW 43.21C)
- VIII. Plans, maps, photos, perspective views or other materials that illustrate how the proposal satisfies the criteria for Conditional use approval



CITY OF WHITE SALMON

PROCEDURE FOR CONDITIONAL USE PERMIT

A conditional use is a specific type of use or activity that, although is not a preferred use in a zone, may be allowed subject to conditions for construction and /or operation.

The characteristics of proposed conditional uses shall be reviewed during the application to determine whether or not the development is appropriate and compatible in the particular location proposed and what, if any conditions are necessary to ensure compatibility.

A pre-application conference, \$300.00 fee, may be requested or required and shall precede the submittal of any project permit application. It may be required that an on-site visit be made prior to accepting the conditional use application. A State Environmental Protection Agency (SEPA) Environmental Checklist may be required, \$500.00 fee.

It is the responsibility of the applicant to demonstrate that the proposed project is consistent with the purposes and intent of the zoning code and compatible with the existing and potential uses in the vicinity which are permitted outright. You will also need to demonstrate that the use of no more detrimental to the adjacent properties than, and of the same type and character as, those uses listed as conditional under the zone in which the project is being proposed.

A complete application must be received by the Planning Department approximately four weeks prior to an decision.

Fee for minor is \$1,100.00, major is \$1,500.00, must accompany the application form. This amount is set by WSMC 3.36.010 and is non-refundable.

In accordance with WSMC 19.10.110, please allow 28 calendar days after submitting a project permit application, the City shall mail a determination letter to the applicant which states either the application is complete, or that the application is incomplete and what is necessary to make the application complete.

Once Administration has established findings and conclusions and made a decision, the decision will be final and conclusive unless, within 10 calendar days from the date of the action, the original applicant or an adverse party makes application to the court of competent jurisdiction for a writ of mandamus.

A conditional use permit shall remain effective for 1 year if the use is begun within that time or construction has commenced. If not in use or construction has commenced within 1 year, the conditional use permit shall be come invalid. Two extension periods of 6 months may be granted upon proof of need and timely submittal of application to Administration.



CITY OF WHITE SALMON

CONDITIONAL USE PERMIT PURPOSE AND CRITERIA

WSMC 17.80.055

The administrator or the planning commission shall hear and decide applications for conditional uses in certain districts; provided that any conditional use permit granted is subject to and consistent with the following conditional use permit review provisions:

1. *Purpose. The purpose of the conditional use permit process is to provide flexibility in the city's land use regulations in order to accommodate uses which may be appropriate in an established zone under certain circumstances, but inappropriate in the same zone under others. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to the goals and policies established in the city's comprehensive plan and the purpose of the zoning designation and this regulation. This review shall determine whether the proposed use should be permitted by weighing the public need or the benefit to be derived from the use, against the impact which it may cause.*
2. *Scope. This section shall apply to each application for a conditional use permit including both primary and accessory uses.*
3. *Application Submittal and Contents.*
 - a. *The application for a conditional use permit shall be submitted to the city on forms provided by the city, along with the appropriate documentation and signatures. The application shall include all materials required pursuant to city regulations.*
 - b. *Specific submittal requirements determined to be unnecessary for review of an application may be waived by the city.*
4. *Permit Review Process. Applications for conditional uses shall be processed as a type I-B decision by the administrator for simple applications or as a type II decision where in the administrator's discretion additional public input or planning commission review is necessary or appropriate according to procedures set forth in Title 19.*
5. *Approval Criteria. The city may approve or approve with modifications an application for a conditional use permit if the following criteria are satisfied:*
 - a. *The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property;*
 - b. *The conditional use will be served by adequate public facilities including streets, fire protection, parking, water, sanitary sewer, and storm water control;*
 - c. *The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject parcel;*
 - d. *The conditional use has merit and value for the community as a whole;*
 - e. *The conditional use is consistent with the goals and policies of the city of White Salmon's comprehensive plan;*
 - f. *The conditional use complies with all other applicable criteria and standards of the White Salmon Municipal Code; and*
 - g. *That the public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative impact of similar actions in the area.*
6. *Additional Conditions. The city may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The conditions may:*

- a. *Increase requirements in the standards, criteria or policies established by this chapter;*
 - b. *Stipulate an exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;*
 - c. *Require structural features or equipment essential to serve the same purposes as set forth in subsection b. of this section;*
 - d. *Impose conditions similar to those set forth in subsections b. and c. of this section, as deemed necessary to establish parity with uses permitted in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards and similar matters;*
 - e. *Require reporting by the applicant or operator on a regular basis sufficient to demonstrate continued compliance with all conditions of approval.*
7. *Authority to Deny. The city may deny any conditional use request when adverse impacts reasonably expected to result from the use cannot be avoided, eliminated or mitigated to an acceptable degree.*
 8. *Use of Property Before Final Decision. No business license or building permit shall be issued for any use involved in an application for approval for a conditional use permit until the permit application becomes effective.*
 9. *Conditional Use Permits—Effective Period.*
 - a. *A decision granting a conditional use permit shall become effective upon the date of such decision.*
 - b. *A conditional use permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date of the conditional use permit unless:*
 - (i) *The applicant has received an extension of time for the conditional use permit subject to city extension requirements.*
 - (ii) *The conditional use permit approval provides for a greater time period.*
 10. *Extension of Time.*
 - a. *The city may extend a conditional use permit, not to exceed one year, if the applicant demonstrates good cause to the city's satisfaction that:*
 - (i) *Unforeseen circumstances or conditions necessitate the extension of the permit;*
 - (ii) *Termination of the permit would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and*
 - (iii) *An extension of the permit will not cause substantial detriment to existing use in the immediate vicinity of the subject property.*
 - b. *The director of the development services department may grant no more than two extensions. A second extension may be granted only if:*
 - (i) *The criteria listed in this subsection are met;*
 - (ii) *The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and*
 - (iii) *Conditions in the immediate vicinity of the subject property have not changed substantially since the conditional use permit was first approved.*
 11. *Modification of Conditional Use Permit. The city may initiate a modification to an approved conditional use permit. A modification will be processed as a new conditional use permit but will consider only the impacts and mitigation related to the proposed modification. Through the modification procedure, the city may delete, modify or impose additional conditions upon finding that the use for which the approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land use.*
 12. *Conditional Use Permit to Run with the Land. A conditional use permit granted pursuant to the provisions of this section shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the permit application. No other use is allowed without approval of an additional conditional use permit.*



CITY OF WHITE SALMON

CONDITIONAL USE PERMIT APPLICATION

Applications for conditional uses shall be processed as a Type I-B decision by the Administrator for minor applications or as a Type II decision where in the Administrator's discretion additional public input or Planning Commission review is necessary or appropriate according to the procedures set forth in Title 19. The Planning Commission (5 member board) meets on the second and fourth Wednesday of each month.

Type II

Type Decision

Fees Received

Date Received

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



CITY OF WHITE SALMON

CONDITIONAL USE PERMIT APPLICATION

(PLEASE PRINT CLEARLY AND TYPE IN BLUE OR BLACK INK)

Julie Burgmeier & Rob Lutgens

Property Owner

PO BOX 2264, White Salmon, WA 98672

Mailing Address

415 E. Jewett Blvd., White Salmon, WA 98672

Physical Address

03111972050100

Klickitat County Tax Parcel

LOT 1 BLK 5 ORIG WS SWSW; 19-3-11

Legal Description

5,739 SF (0.13 Acres)

Dimensions or Acreage of Land

General Commercial District (C)

Zoning District

We, the undersigned respectfully make application for a conditional use permit, under provisions of the White Salmon zoning ordinance, to

Existing Conditions: A residential Duplex currently exists on the north side of the property setback from E Jewett Blvd. with a gravel parking area located to the south of the structure. The property is further populated by mature oak heritage trees endemic to the region.

CUP Summary: We're submitting a CUP application to allow for the construction of a new residential Duplex (located in the area of the existing gravel parking area), with one off-street parking space (4 total) proposed to be provided per on-site dwelling unit, all while strategically preserving all of the site's oak heritage trees and grasslands.

Site Development Plan: The owner's long-term plan for the site is to redevelop the north end of the property adjacent to E Jewett Blvd (where the existing Duplex is located) with ground-floor commercial/public access occupancies that will further enhance the walkability and character of White Salmon's core downtown business district. In the meantime, while our nation, region and the City of White Salmon are facing a housing availability crisis, the owner plans to augment the property's future commercial uses with additional housing (hence the new Duplex) on the backside of the property.

Parking Requirements: The owner plans to only add one parking space per dwelling unit as this is all that has been required based on the owner's past experience with renters and their own personal use, as well as to further preserve as much permeable surfaces, existing native and future landscape as possible. More, to add additional parking to the property, parking access would be required off of the Alley, which the residential neighbor to the south has expressly asked that we avoid. The property is further augmented with on-street parking available to the north on E Jewett St., and west on SE 4th Ave.

Heritage Trees: A Heritage Tree Management Plan will be submitted by a certified arborist prior to construction/excavation activities to assure the health and preservation of these trees. See Arborist statement attached.

Neighbor Adjacencies: The property is neighbored by commercial uses to the west and east, with one residential neighbor to the south across the Alley. North of the property is E Jewett Blvd. See residential neighbor testimonial attached.

New Duplex Height: The new proposed structure is within the property's zoning height limitations, but intentionally three stories to capture views to the south, maximize density, and to preserve as much of the existing native and future landscape as possible. Further, the new Duplex will not impede the views of any other neighbor.

Current land use:

General Commercial District (C)

Zoning to the North

General Commercial District (C)

Zoning to the East

R-2 Two-Family Residential

Zoning to the South

General Commercial District (C)

Zoning to the West

2,561 Square Feet

Total gross floor area of new construction

0 Square Feet

Floor space of existing structures to be used

4 parking spaces

How many off-street parking spaces are available

Additional on-street parking available on Jewett Blvd. and SE 4th Ave.

Other parking provisions

Describe the existing condition of the area including but not limited to topography, public facilities and services, natural hazards, open space, scenic and historic areas, access, etc

The property is located approximately two blocks east of the main downtown corridor. Surrounded to the south, north, and east by a mix of predominantly single-family and multi-family residential properties and adjacent to multiple commercial/institutional properties to the north and west. These include an auto repair facility, chiropractic office, and Bethel Congregational Church.

The site has an approximate 15 foot slope from north to south across 115 linear feet of property depth with no noticeable hazardous conditions. The property contains four large oak trees (all to remain within the current design parameters).



CITY OF WHITE SALMON

ACKNOWLEDGEMENT AND SIGNATURE

The undersigned hereby represents upon all of the penalties of law, for the purpose of inducing the City of White Salmon to take the action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of White Salmon.

Rob Lutgens and Julie Burgmeier (Property Owners)

Applicant

Tyson Gillard, Architect & Project Manager, Saga Design Build, Inc. (Architects)

Representative for Applicant

1767 12th St., #145, Hood River, OR 97031

Mailing Address

541.399.9003

Telephone

tyson@sagadesign.studio

Email

Applicant Signature

01 / 18 / 2022

Date







Representative for Applicant Signature

01 / 19 / 2022

Date

TITLE	Updated CUP Application
FILE NAME	conditional_use_c...ation_full-V3.pdf
DOCUMENT ID	1e1d72b4c54b0a917f20303f7f8a551a2b074470
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History

 SENT	01 / 18 / 2022 23:49:49 UTC	Sent for signature to Julie Burgmeier (julie@skagitmarketing.com) and Tyson Gillard (tysongillard@gmail.com) from tysongillard@gmail.com IP: 96.41.154.200
 VIEWED	01 / 18 / 2022 23:50:13 UTC	Viewed by Julie Burgmeier (julie@skagitmarketing.com) IP: 71.92.144.6
 SIGNED	01 / 18 / 2022 23:50:50 UTC	Signed by Julie Burgmeier (julie@skagitmarketing.com) IP: 71.92.144.6
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 COMPLETED	01 / 19 / 2022 15:37:15 UTC	The document has been completed.

Proposal: Assessment of Heritage Trees

Burgmeier Property

415 Jewett Blvd.

January 21st, 2022

David M. Braun

Braun Arboricultural Consulting LLC

Background

I received a phone call from Julie Burgmeier recently regarding two large oaks on her property. She wishes to build a second dwelling on her lot at 415 Jewett Blvd, accessed from Wyers St. Given the presence of two large Oregon White Oaks she requires an arborist report describing the trees and mitigation needed to maintain health. The new home would likely be partially within the tree protection area of one or both of the trees.

Scope

Prepare an arborist report describing the size and condition of both Oregon White oaks, with reference to property boundaries, the existing home, and the proposed new home. A schematic of the new home has been provided to me by Ms. Burgmeier. Describe the amount of overlap of the excavation for the new home and the tree protection zone, describe likely impacts and mitigation to maintain tree health. Provide recommendations in the Report for establishing the tree protection area and mitigation.

Cost

Cost will be approximately \$300. This will include a visit to take measurements and assess tree condition, preparation of the Report, and a visit during excavation to document any root disturbance and cut any roots that are exposed cleanly to minimize impact.

Assessor's Qualifications and Credentials

Licensing and Insurance:

David M. Braun and Braun Arboricultural Consulting LLC, Reg. Num. 354066-93 (Nov. 2007), is insured with a standard business insurance policy through Columbia River Insurance, Hood River, OR. Phone: 541-386-2444. Coverage includes: \$1,000,000 Liability and Medical Expenses, \$2,000,000 Products –Completed Operations, \$1,000,000 Professional Liability Insurance, Workman's Compensation Insurance, and a \$20,000 surety bond. Residential General Contractor Licenses: Oregon CCB #188757, Washington Registration # BRAUNAC908DQ. Oregon Commercial Pesticide Licenses: Operator License AG-L1017983CPO, Applicator License AG-L1017982CPA, Washington Pesticide Commercial Applicator License: 82597

Qualifications:

Ph.D. Forest Ecology- University of Washington CFR, 1998
M.F.S. Forest Science- Yale University SFES, 1986
Certified Arborist, International Society of Arboriculture (ISA) #PN-6114A
Tree Risk Assessor Qualification (TRAQ) ISA
Member, American Society of Consulting Arborists (ASCA)

Contact Information:

David M. Braun, Ph.D.
Braun Arboricultural Consulting LLC
1193 22nd. St., Hood River, Oregon 97031
Phone: 541-806-0347; Email: dave@braunarborcare.com
www.braunarborcare.com



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8. PROVIDE SOLID BLOCKING BEHIND ALL WALL HUNG FIXTURES AND ACCESSORIES.

CONDITIONAL USE PERMIT DOCUMENTS
 (NOT FOR CONSTRUCTION)

BURGMEIER/LUTGENS

DUPLEX

415 E JEWETT BLVD.
 WHITE SALMON, WA 98672

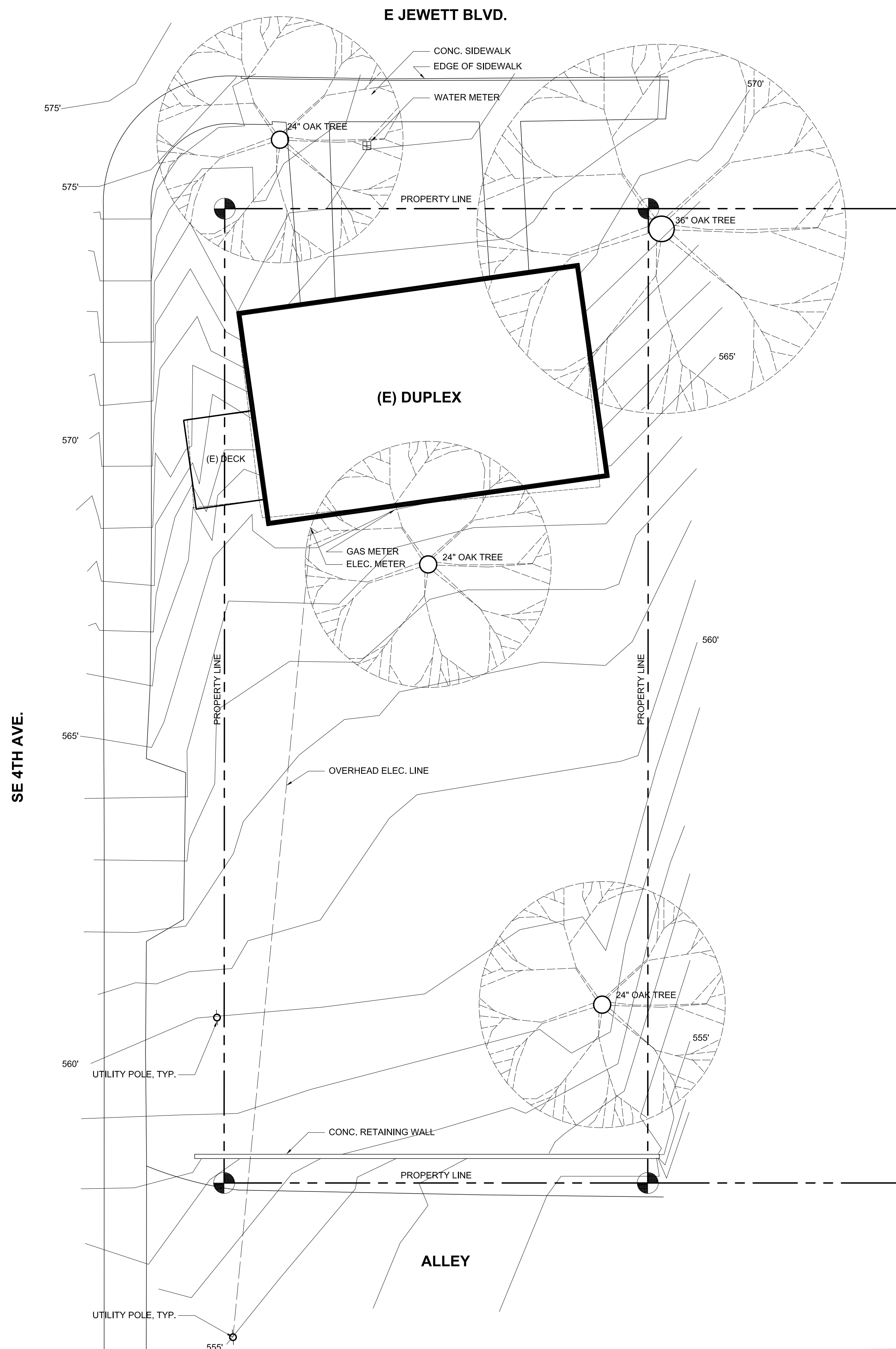
No.	Description	Date

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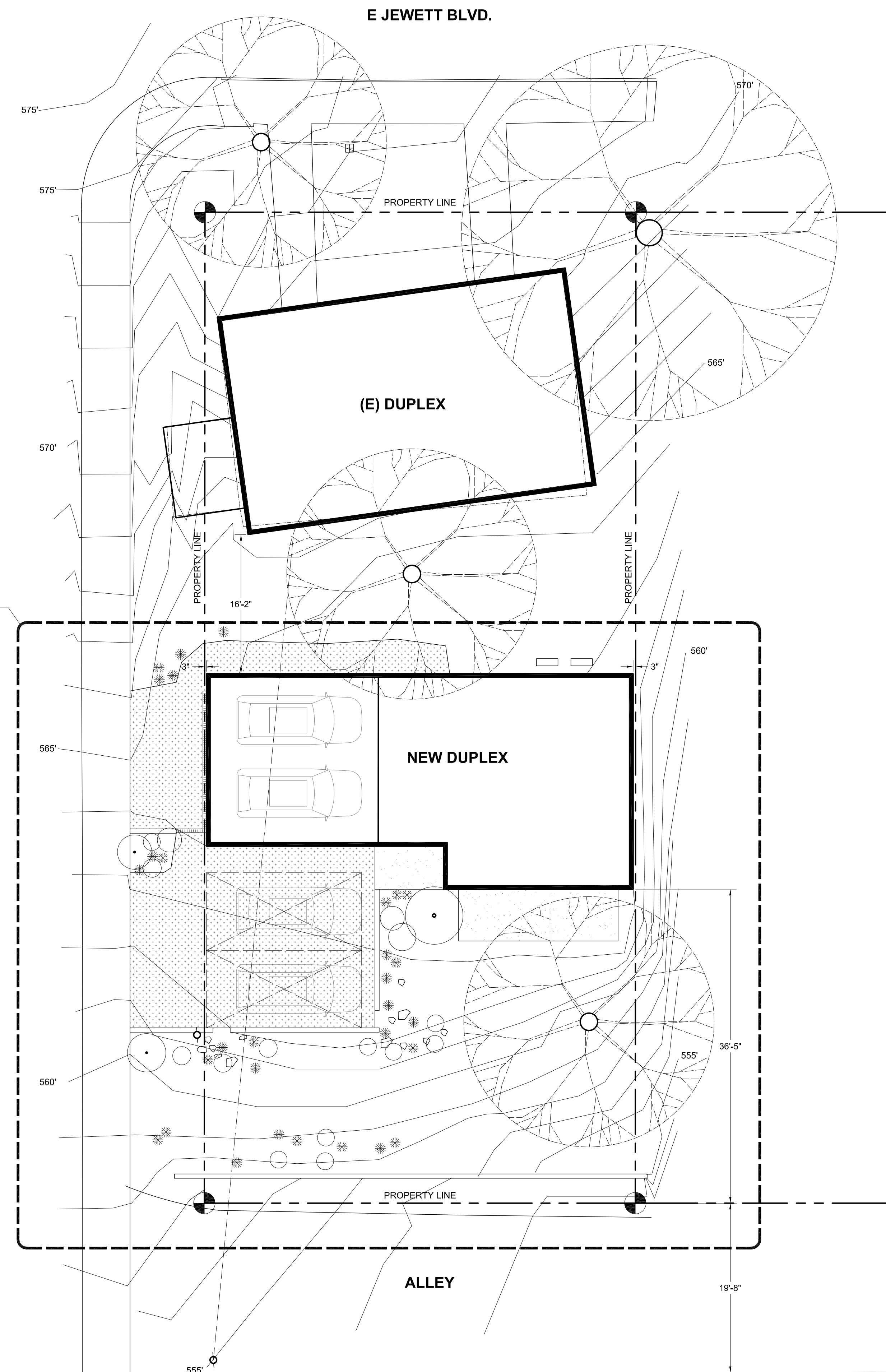
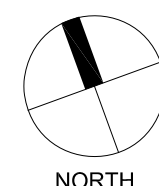
SITE PLANS (EXISTING & NEW)

A100

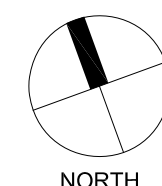
Scale As indicated



1 SITE PLAN - EXISTING
 1/8" = 1'-0"



2 SITE PLAN - NEW
 1/8" = 1'-0"





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 (NOT FOR CONSTRUCTION)

BURGMEIER/LUTGENS

DUPLEX

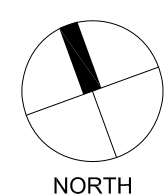
415 E JEWETT BLVD.
 WHITE SALMON, WA 98672

No.	Description	Date

DATE: 12/01/21

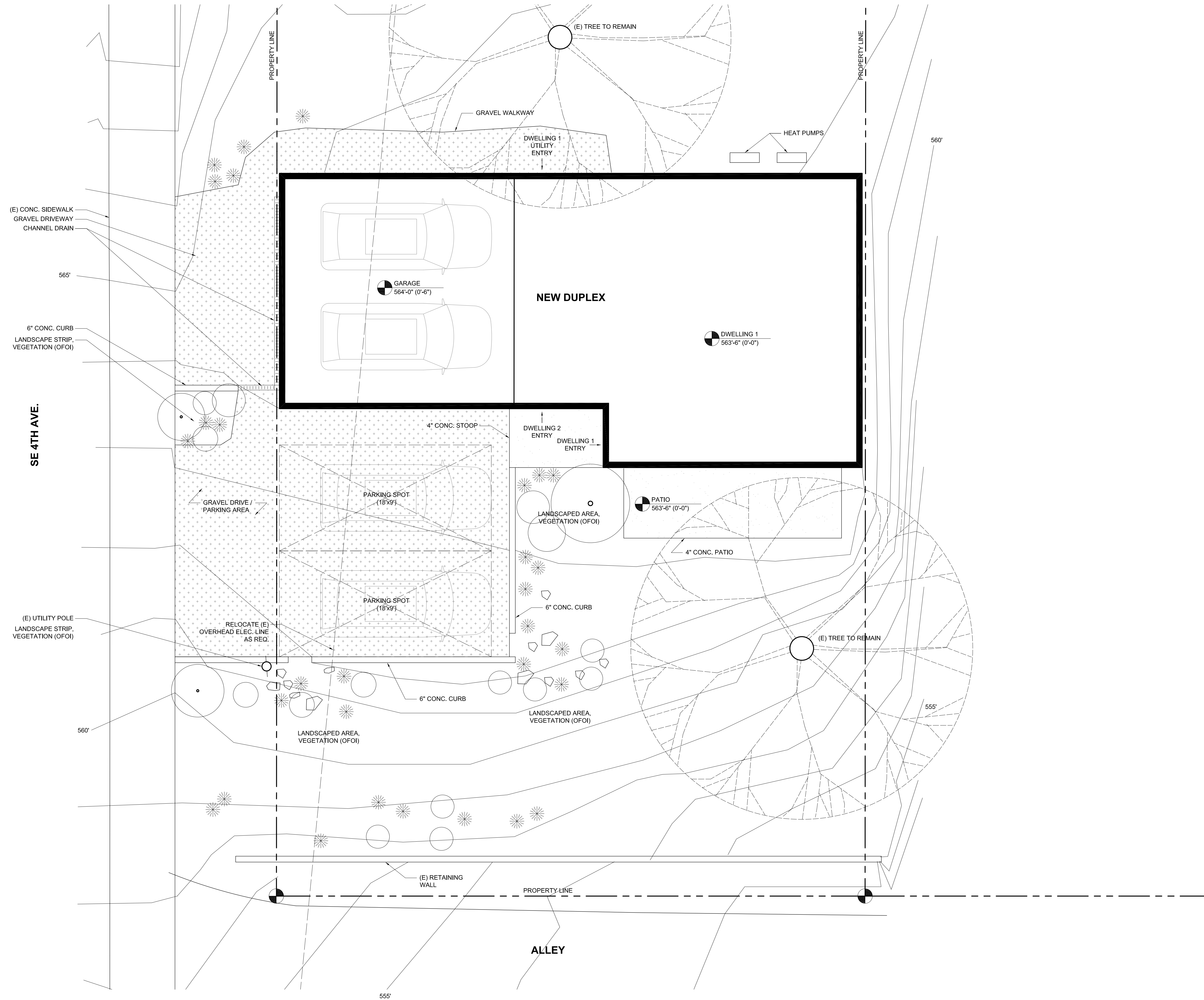
DRAWN BY: -

ENLARGED SITE PLAN



A101

Scale As indicated



1 ENLARGED SITE PLAN
 1/4" = 1'-0"



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BURGMEIER/LUTGENS

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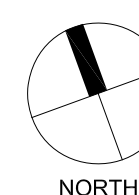
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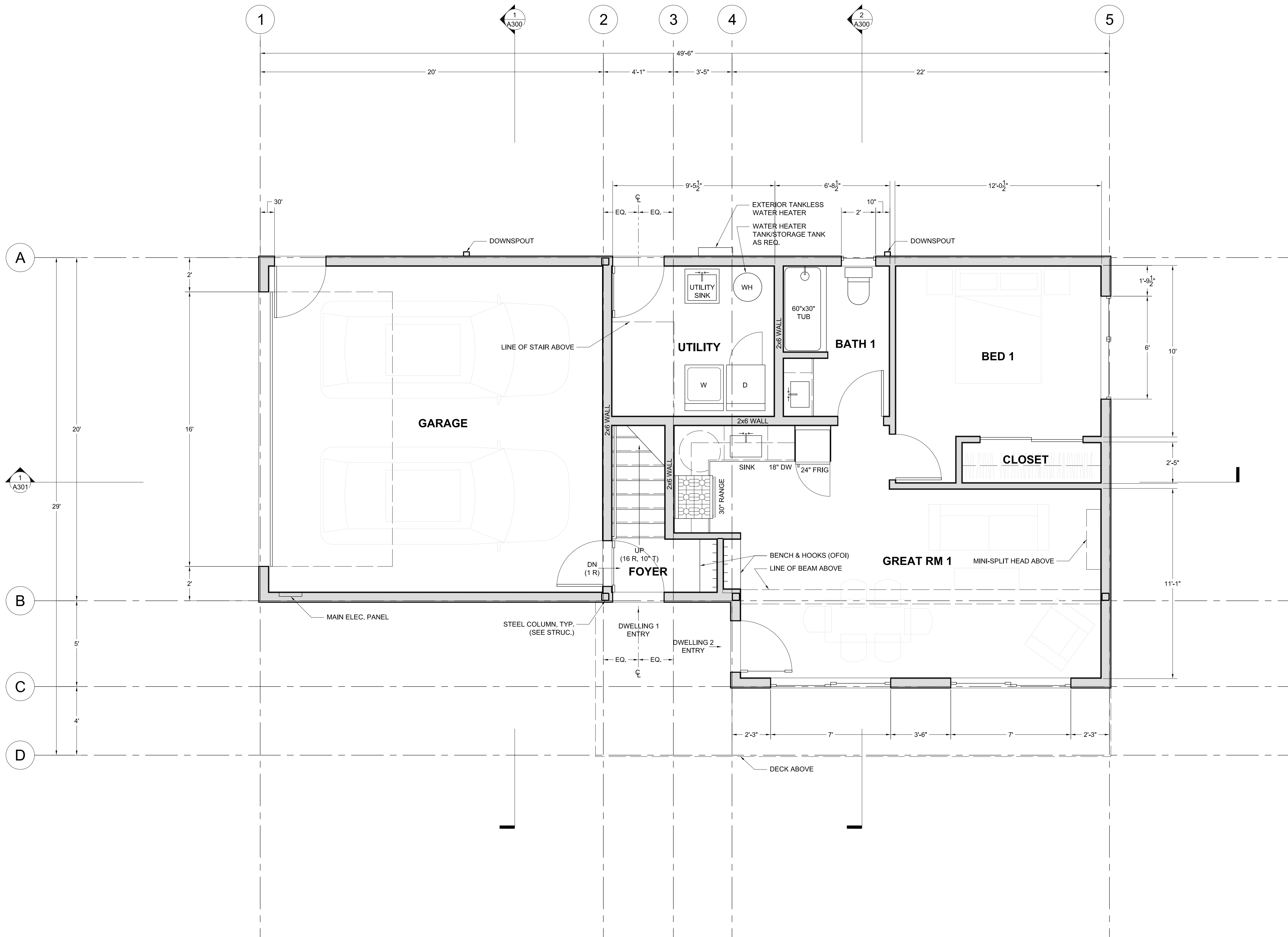
FLOOR PLAN - LEVEL 1



NORTH

A102

Scale As indicated



1 FLOOR PLAN - LEVEL 1
 3/8" = 1'-0"



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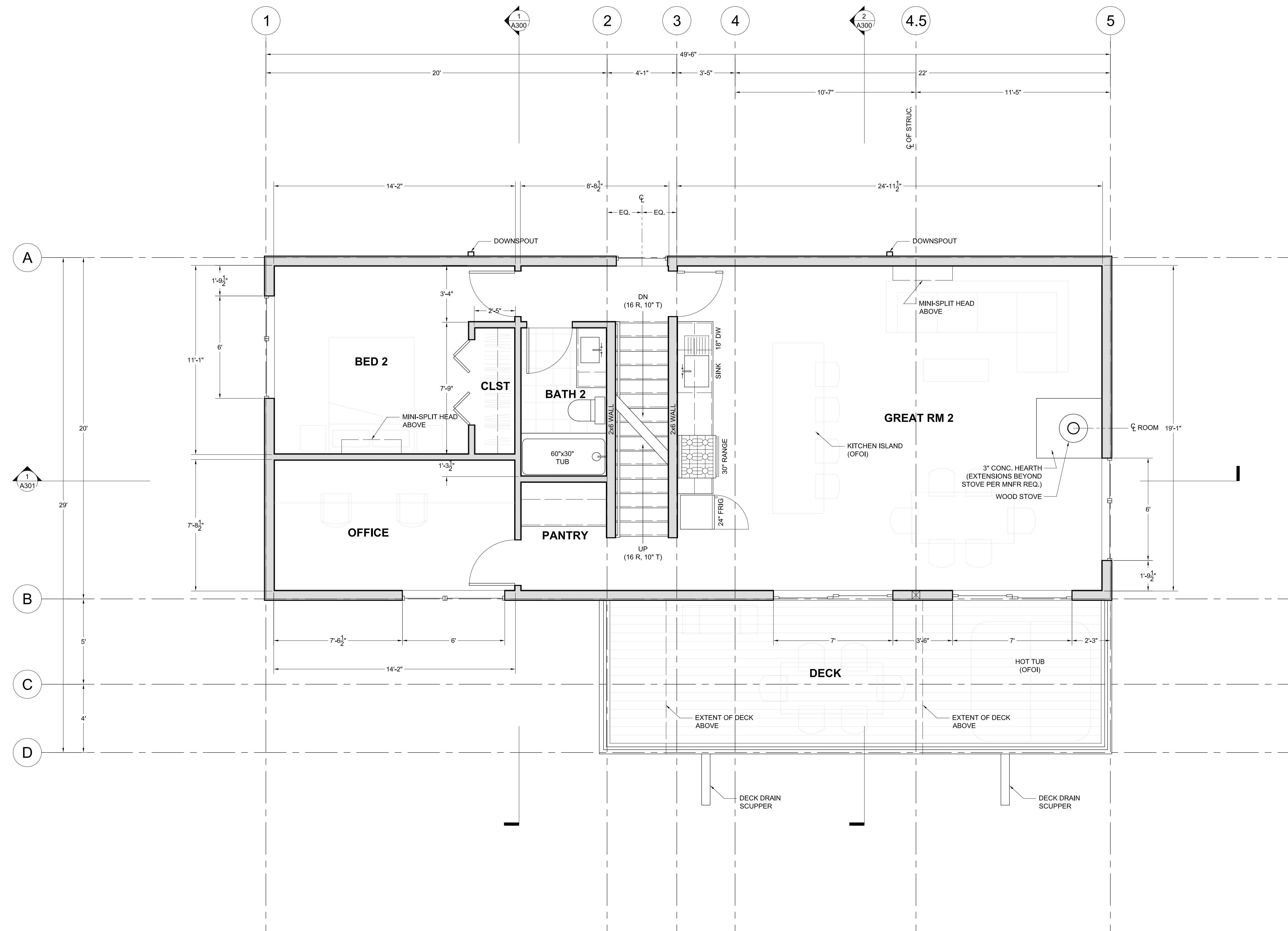
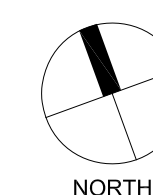
DATE: 12/01/21

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FLOOR PLAN - LEVEL 2

A103

Scale As indicated



1 FLOOR PLAN - LEVEL 2
 3/8" = 1'-0"



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8. PROVIDE SOLID BLOCKING BEHIND ALL WALL HUNG FIXTURES AND ACCESSORIES.

CONDITIONAL USE PERMIT DOCUMENTS
 (NOT FOR CONSTRUCTION)

BURGMEIER/LUTGENS

DUPLEX

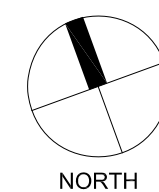
415 E JEWETT BLVD.
 WHITE SALMON, WA 98672

No.	Description	Date

DATE: 12/01/21

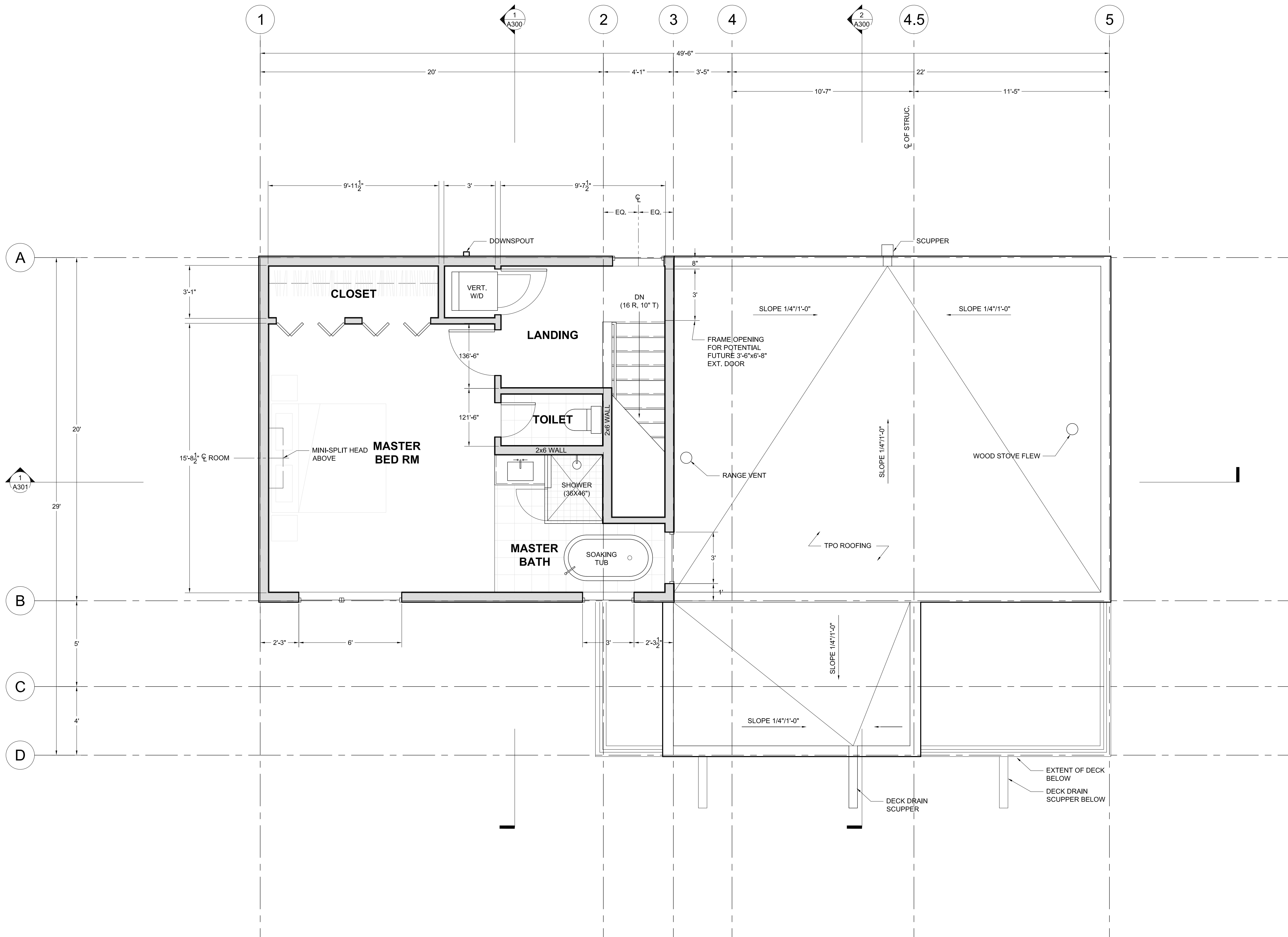
DRAWN BY: -

FLOOR PLAN - LEVEL 3



A104

Scale As indicated



1 FLOOR PLAN - LEVEL 3
 3/8" = 1'-0"



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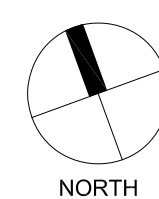
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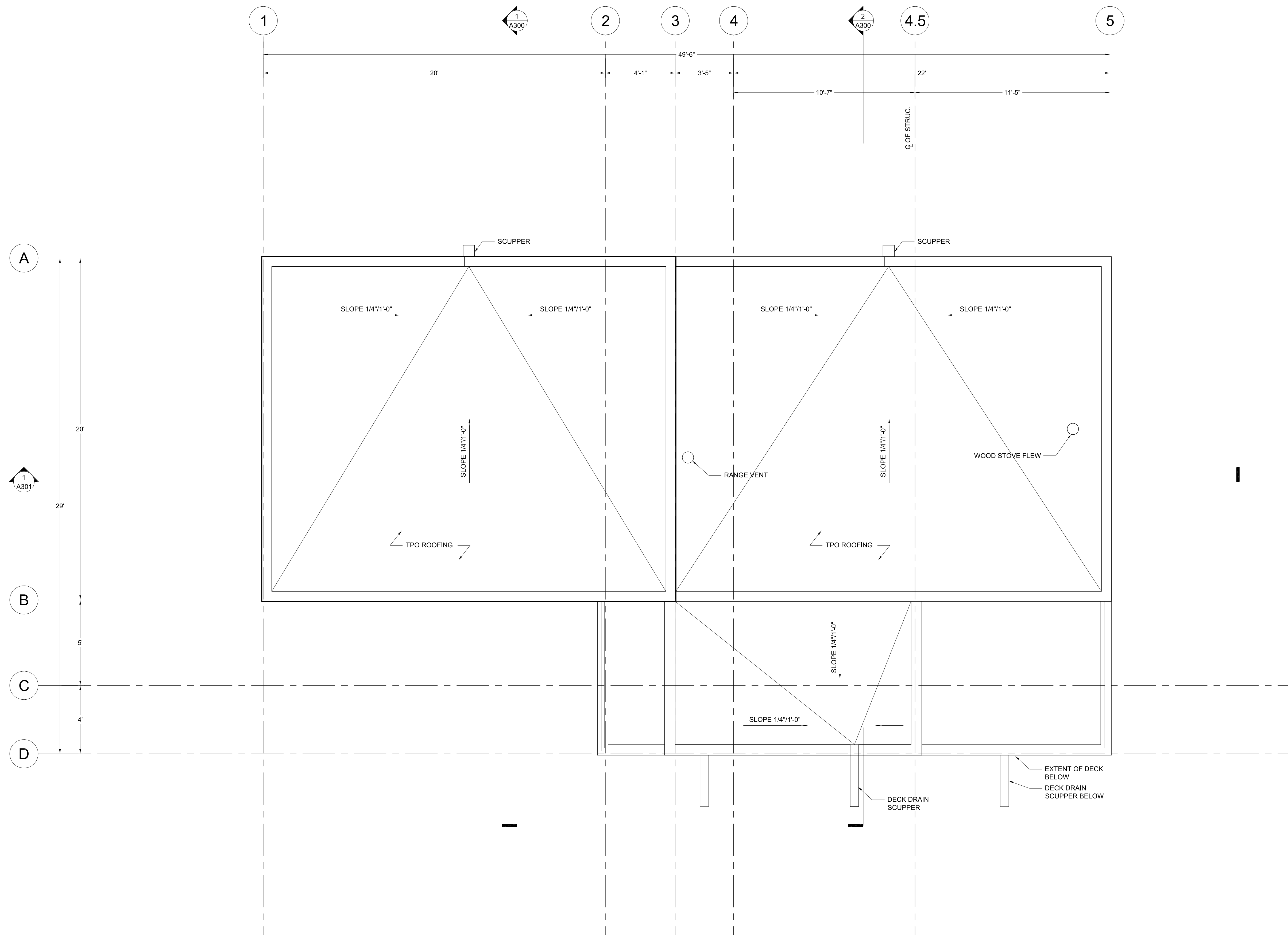
DRAWN BY: -

ROOF PLAN



A105

Scale As indicated



1 ROOF PLAN
 3/8" = 1'-0"



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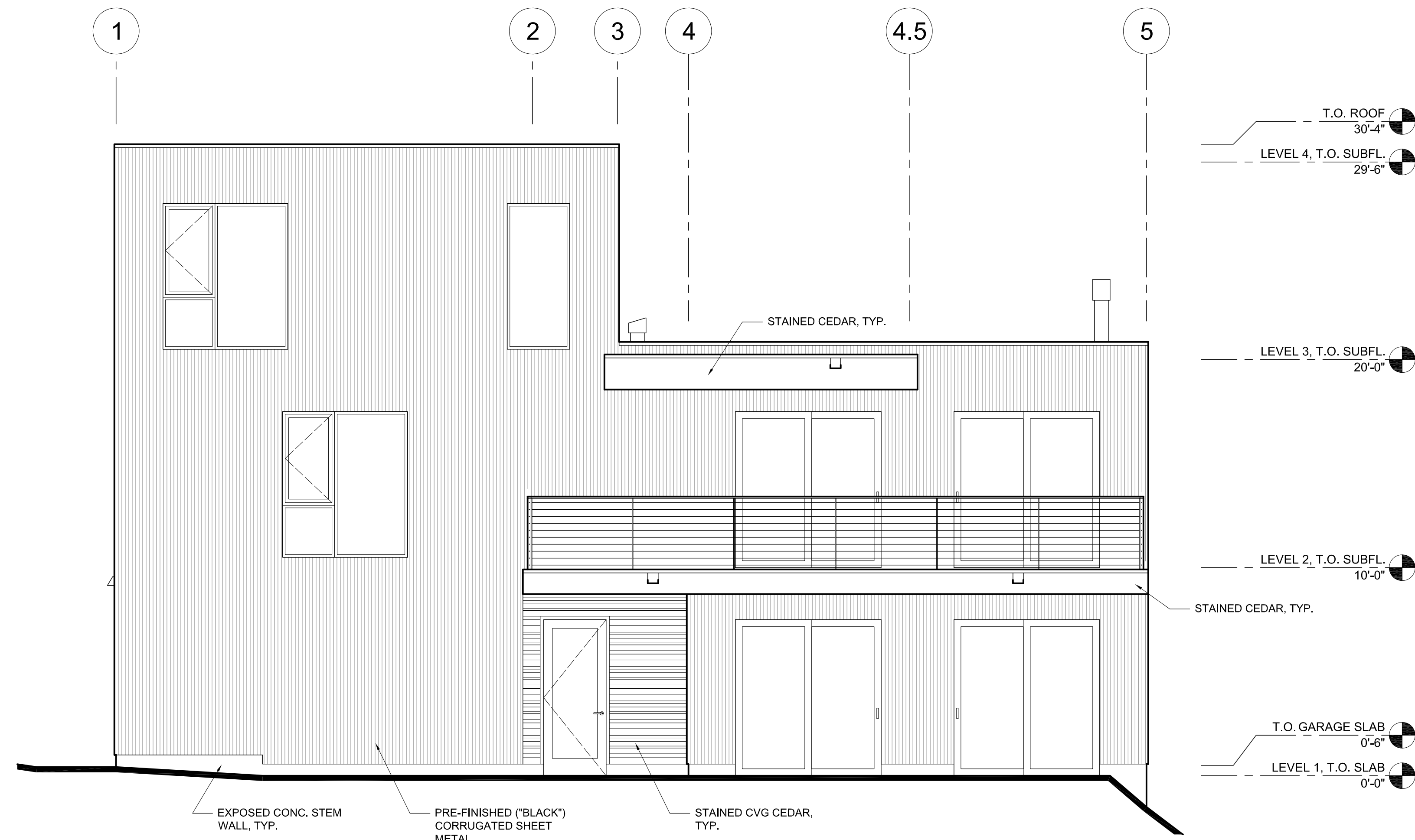
DATE: 12/01/21

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ELEVATIONS - NEW

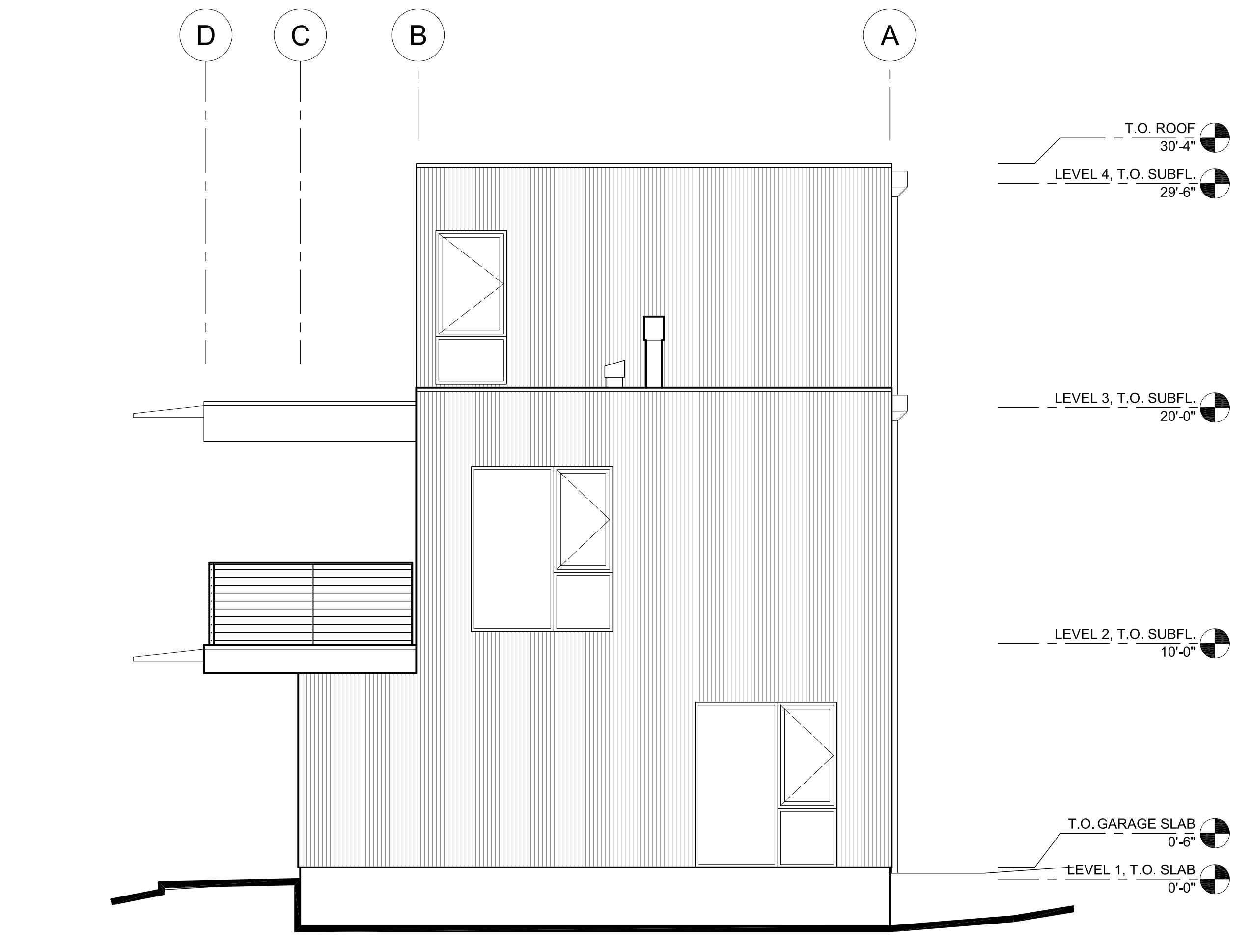
A203

Scale As indicated



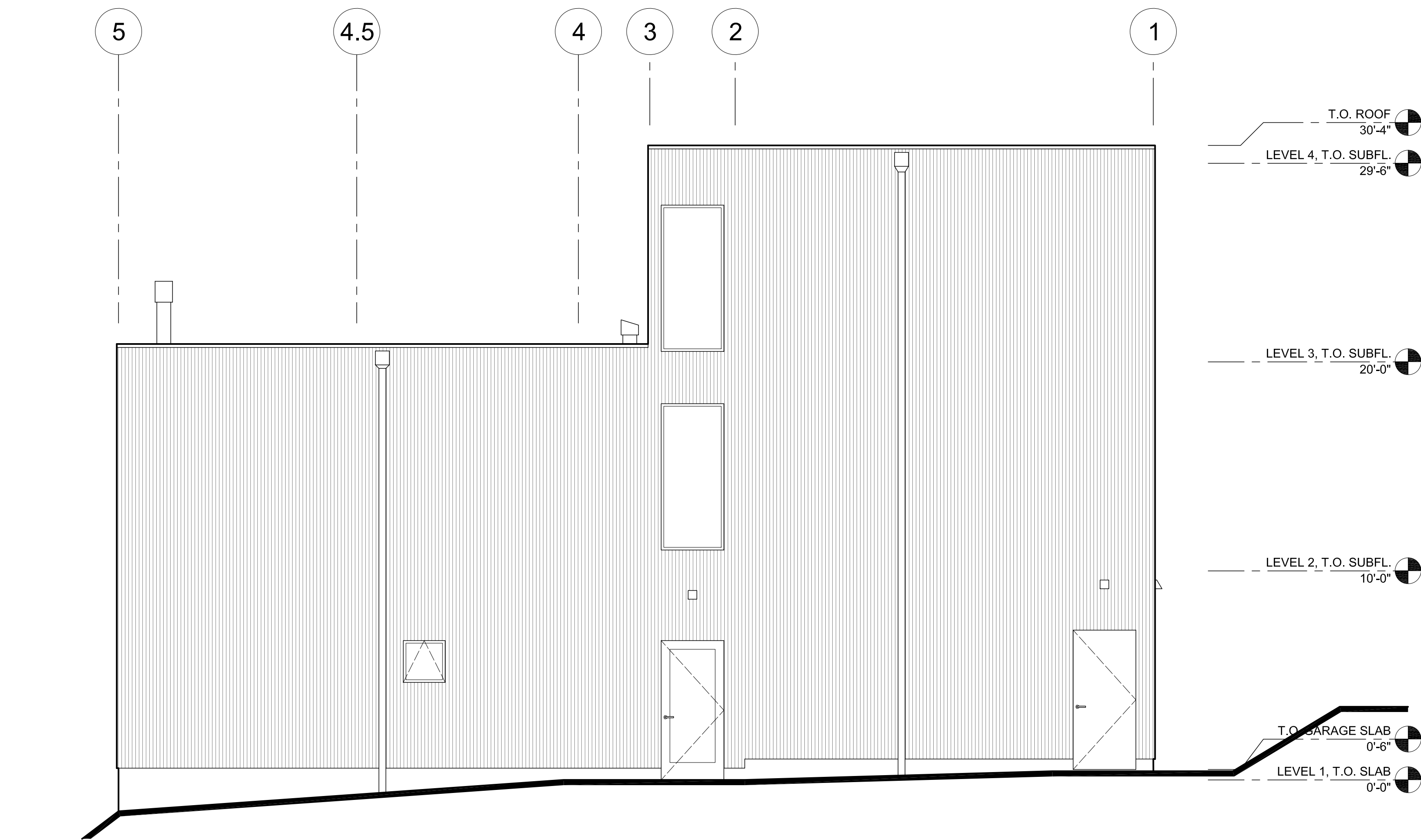
1 SOUTH ELEVATION

1/4" = 1'-0"



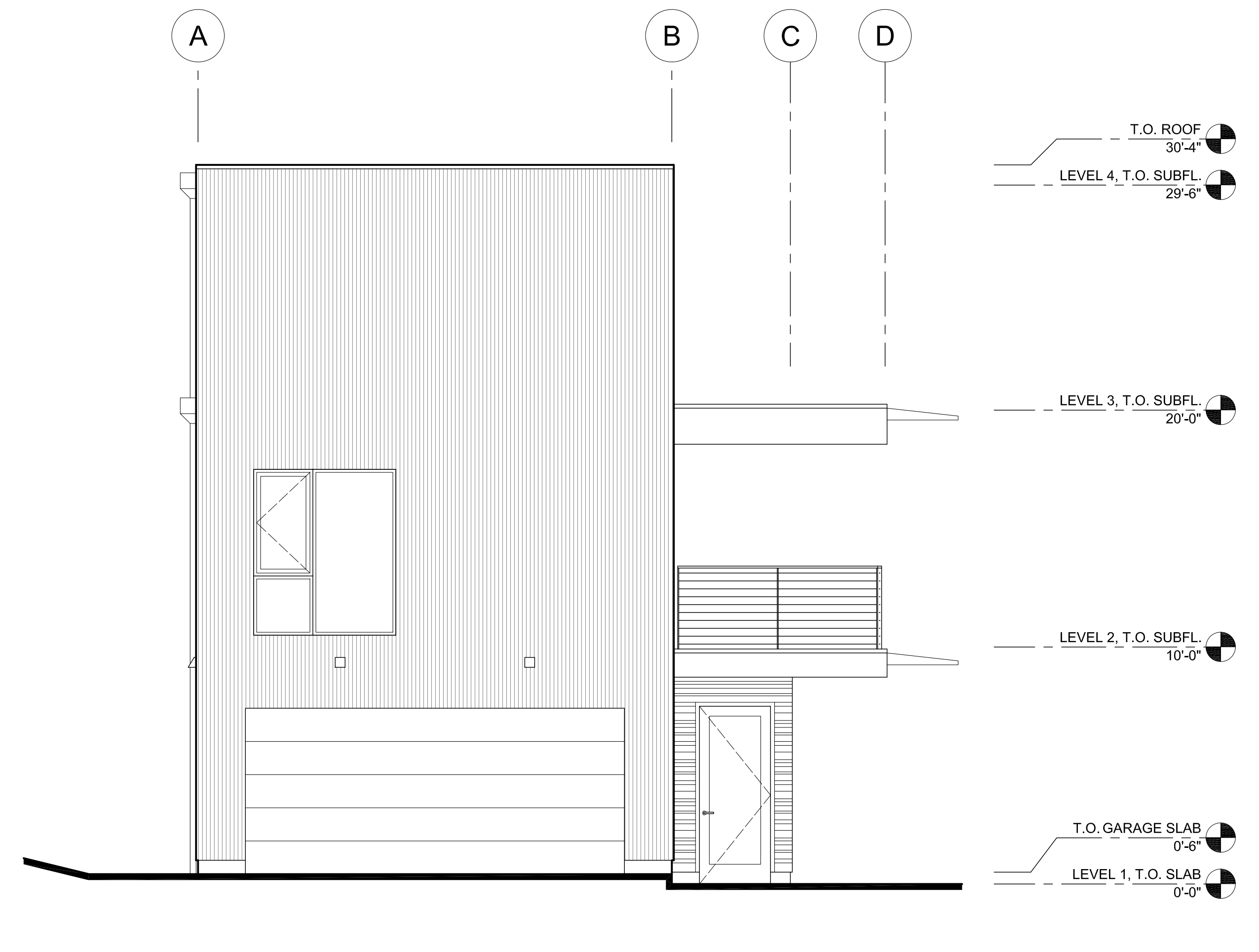
2 EAST ELEVATION

1/4" = 1'-0"



3 NORTH ELEVATION

1/4" = 1'-0"



4 WEST ELEVATION

1/4" = 1'-0"



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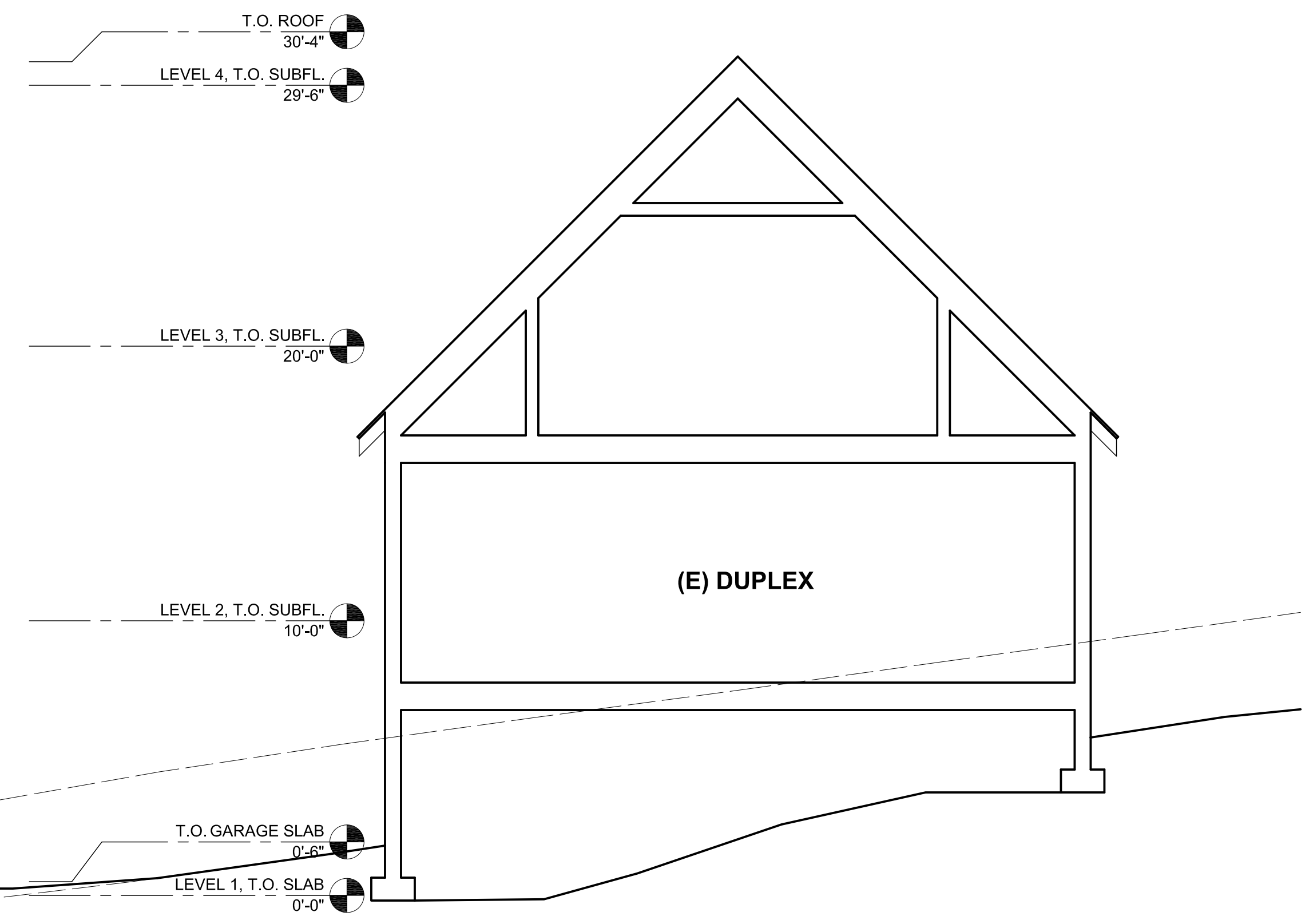
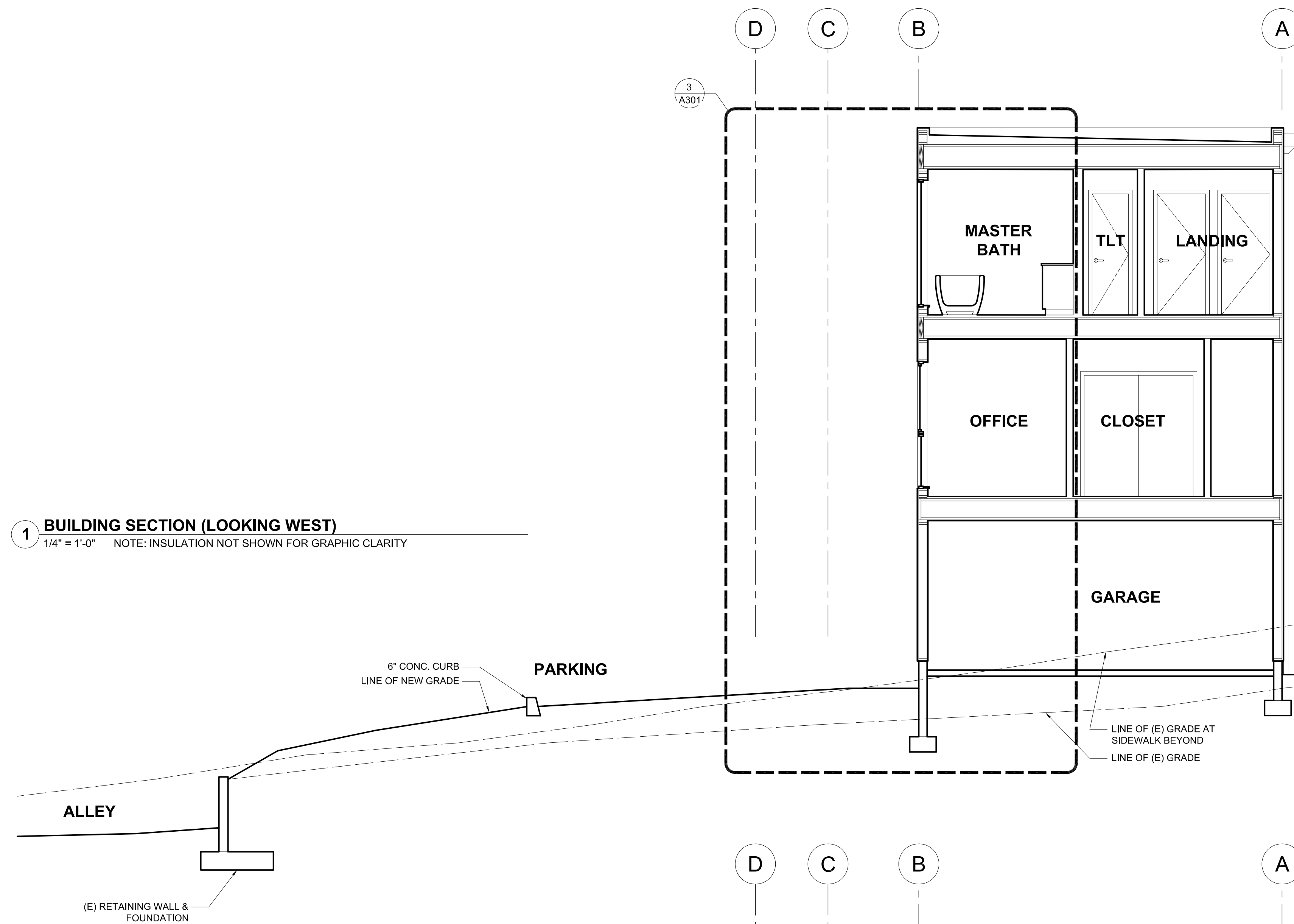
BUILDING SECTIONS

A300

Scale As indicated

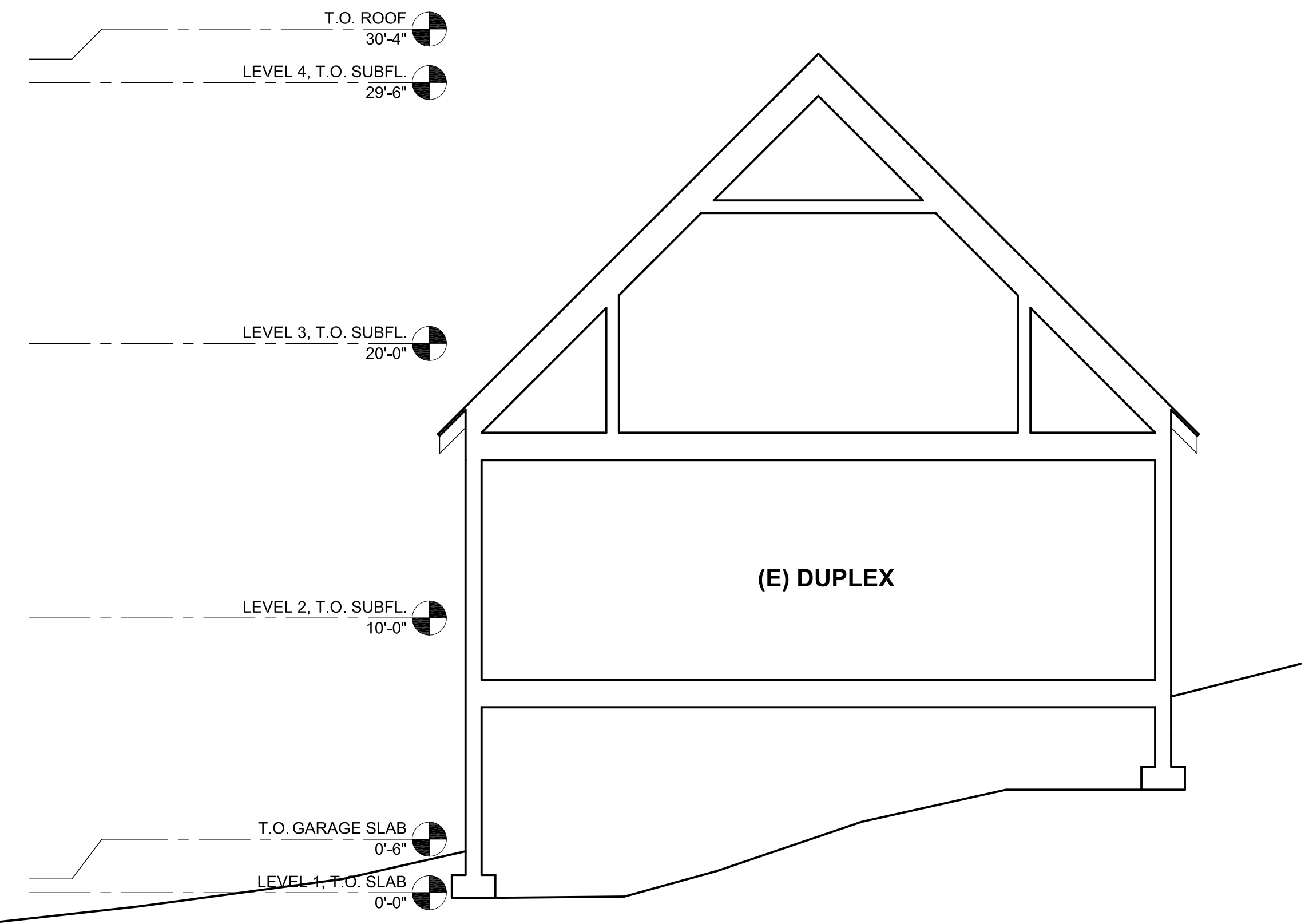
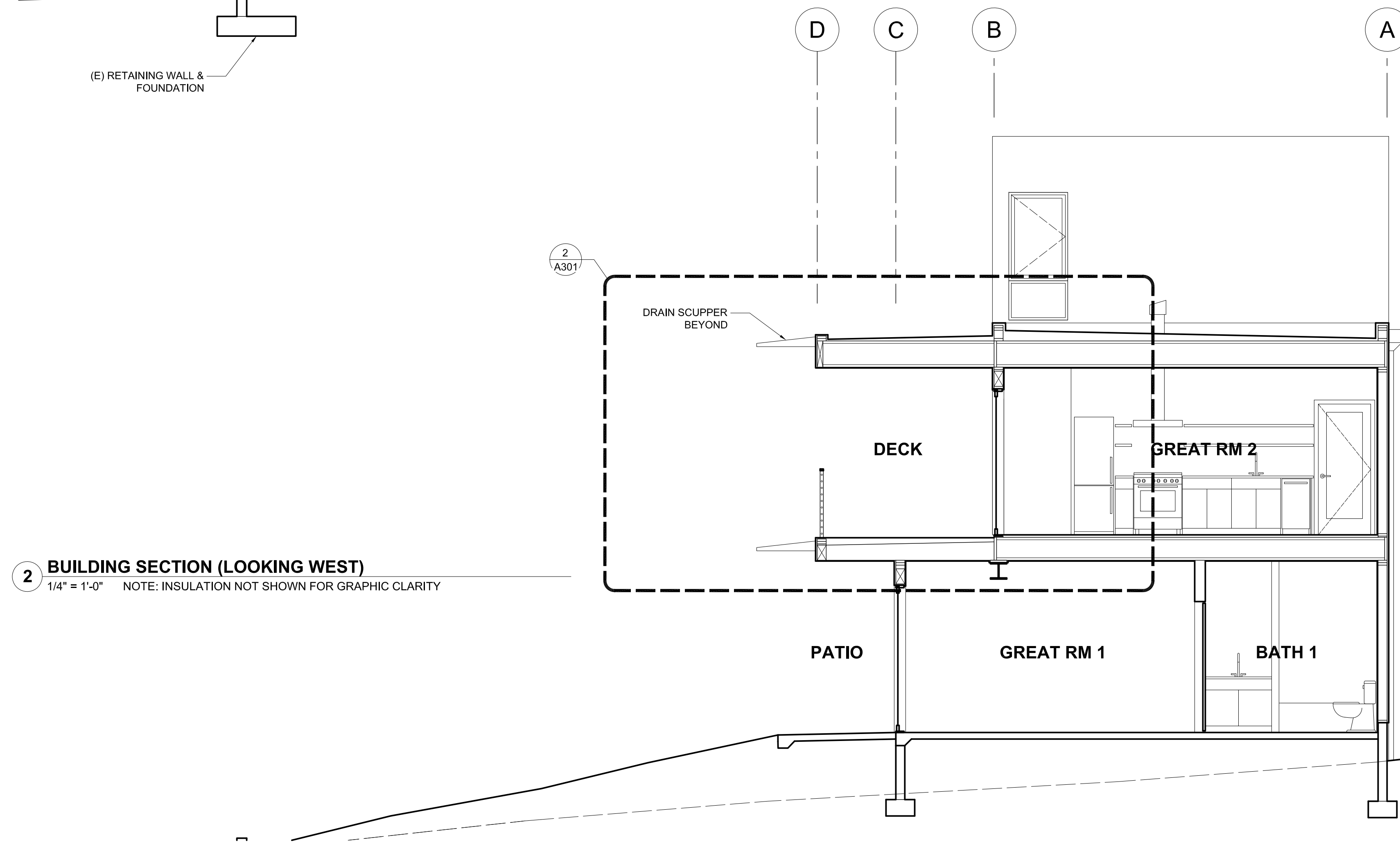
1 BUILDING SECTION (LOOKING WEST)

1/4" = 1'-0" NOTE: INSULATION NOT SHOWN FOR GRAPHIC CLARITY



2 BUILDING SECTION (LOOKING WEST)

1/4" = 1'-0" NOTE: INSULATION NOT SHOWN FOR GRAPHIC CLARITY





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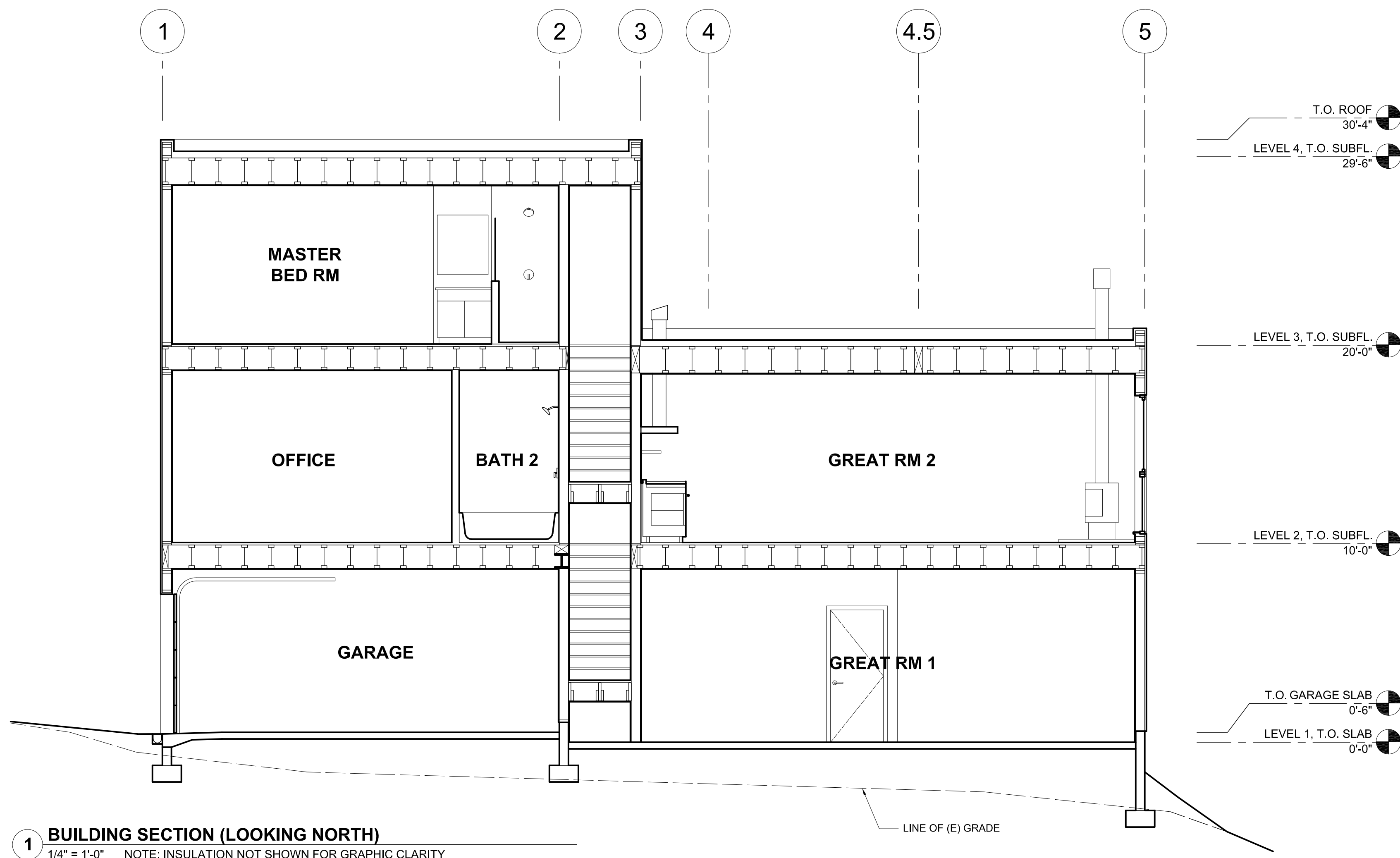
DATE: 12/01/21

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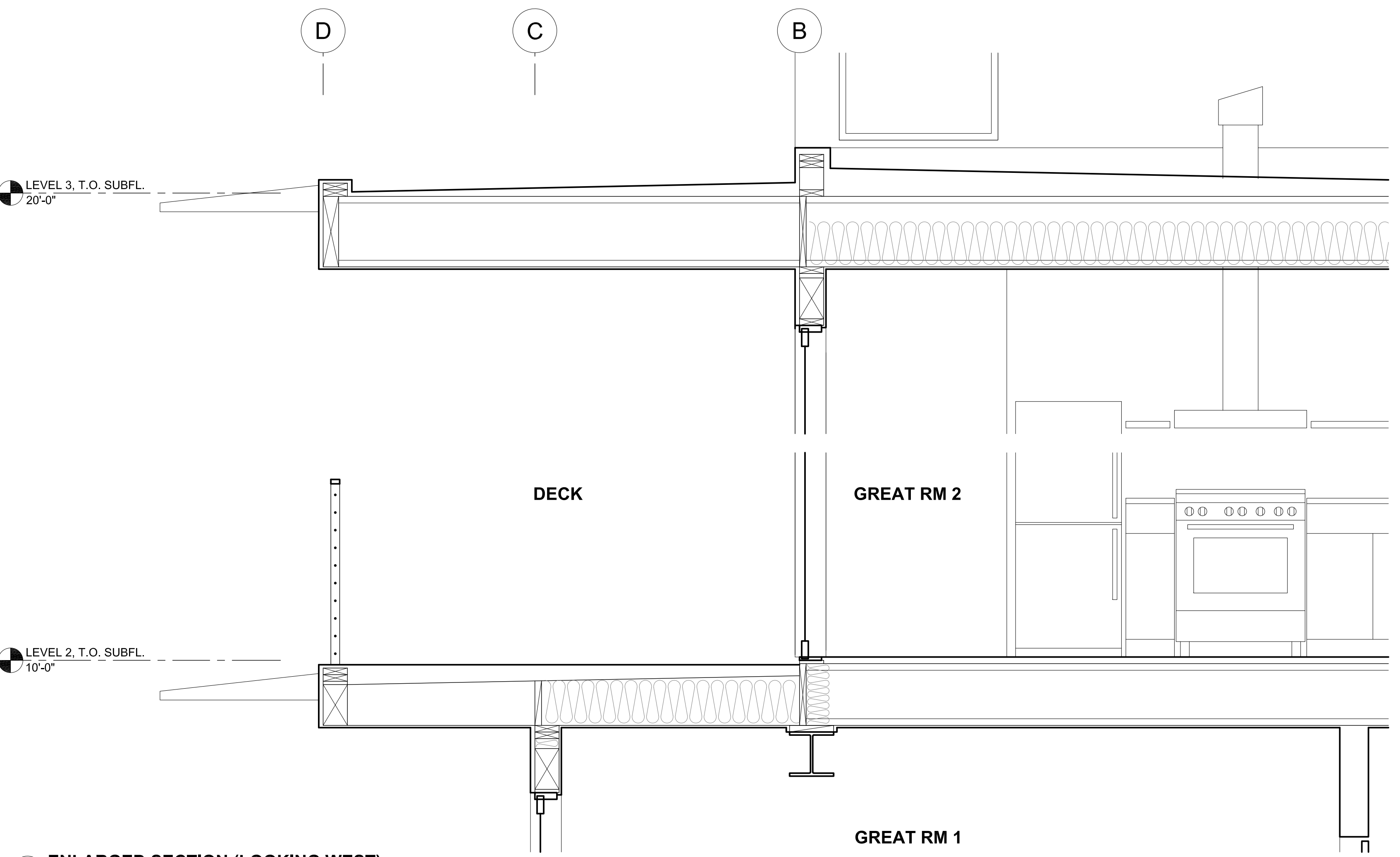
BUILDING SECTIONS &
 ENLARGED SECTIONS

A301

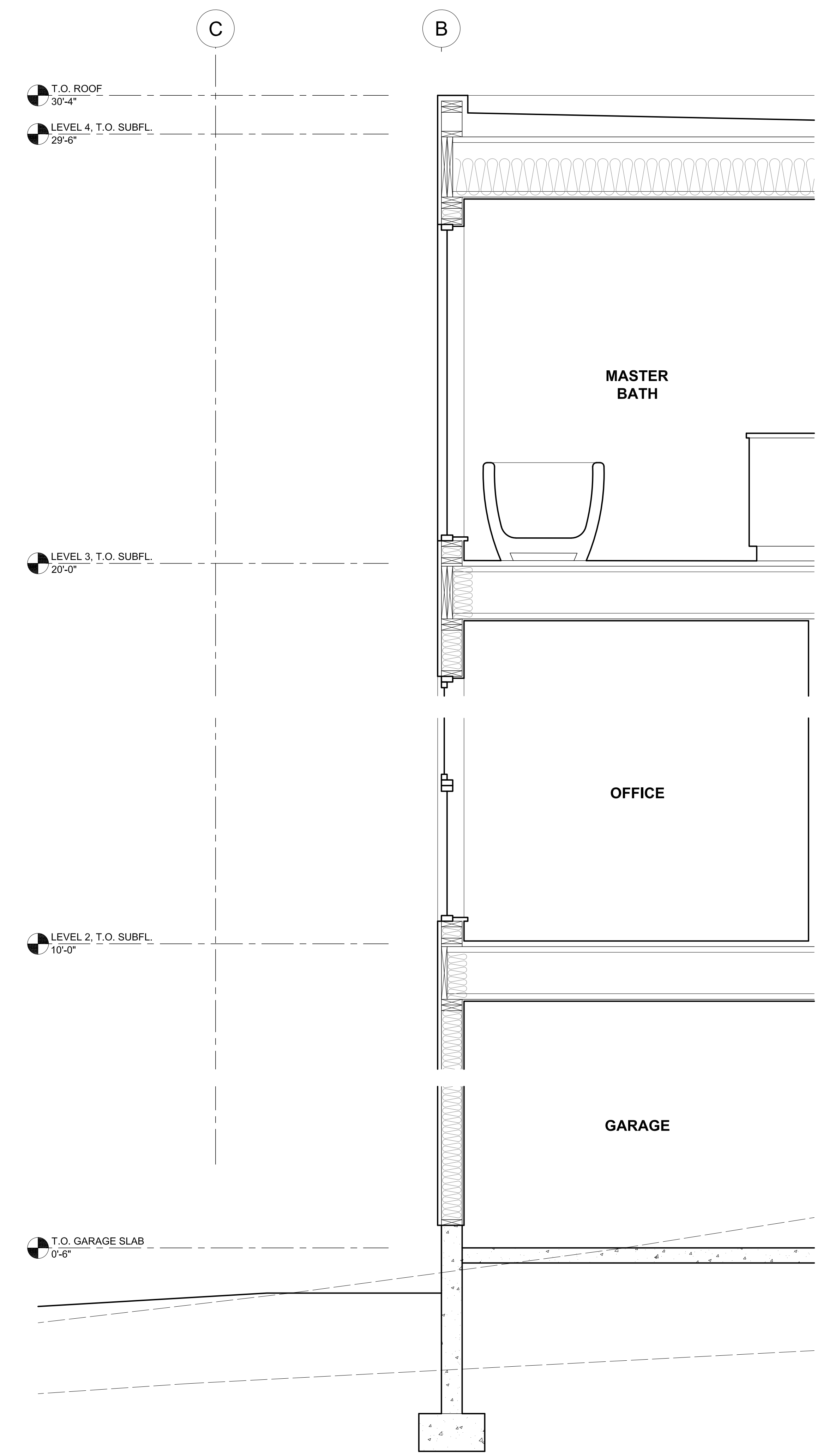
Scale As indicated



1 BUILDING SECTION (LOOKING NORTH)
 1/4" = 1'-0" NOTE: INSULATION NOT SHOWN FOR GRAPHIC CLARITY



2 ENLARGED SECTION (LOOKING WEST)
 3/4" = 1'-0"



3 ENLARGED SECTION (LOOKING WEST)
 3/4" = 1'-0"

File Attachments for Item:

4. Proposed Critical Area Ordinance Variance 2021.003

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



CITY OF WHITE SALMON

MEMORANDUM

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

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

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

Described as Klickitat County parcel and legal description:
 Parcel 03113012001400. TL 18Z in NWNE & STREET IRR TRACTS TO WS; 30-3-11

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

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

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

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

MEMORANDUM

Public Notice

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

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

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

WHITE SALMON 2040 COMPREHENSIVE PLAN

Environmental Quality and Critical Areas ([p. 81](#)):

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

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

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

MEMORANDUM

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

Analysis

WHITE SALMON VARIANCE PURPOSE AND CRITICAL AREA ORDINANCE

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

WSMC 18.10.113 – Designation of critical areas.

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

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

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

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

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

MEMORANDUM

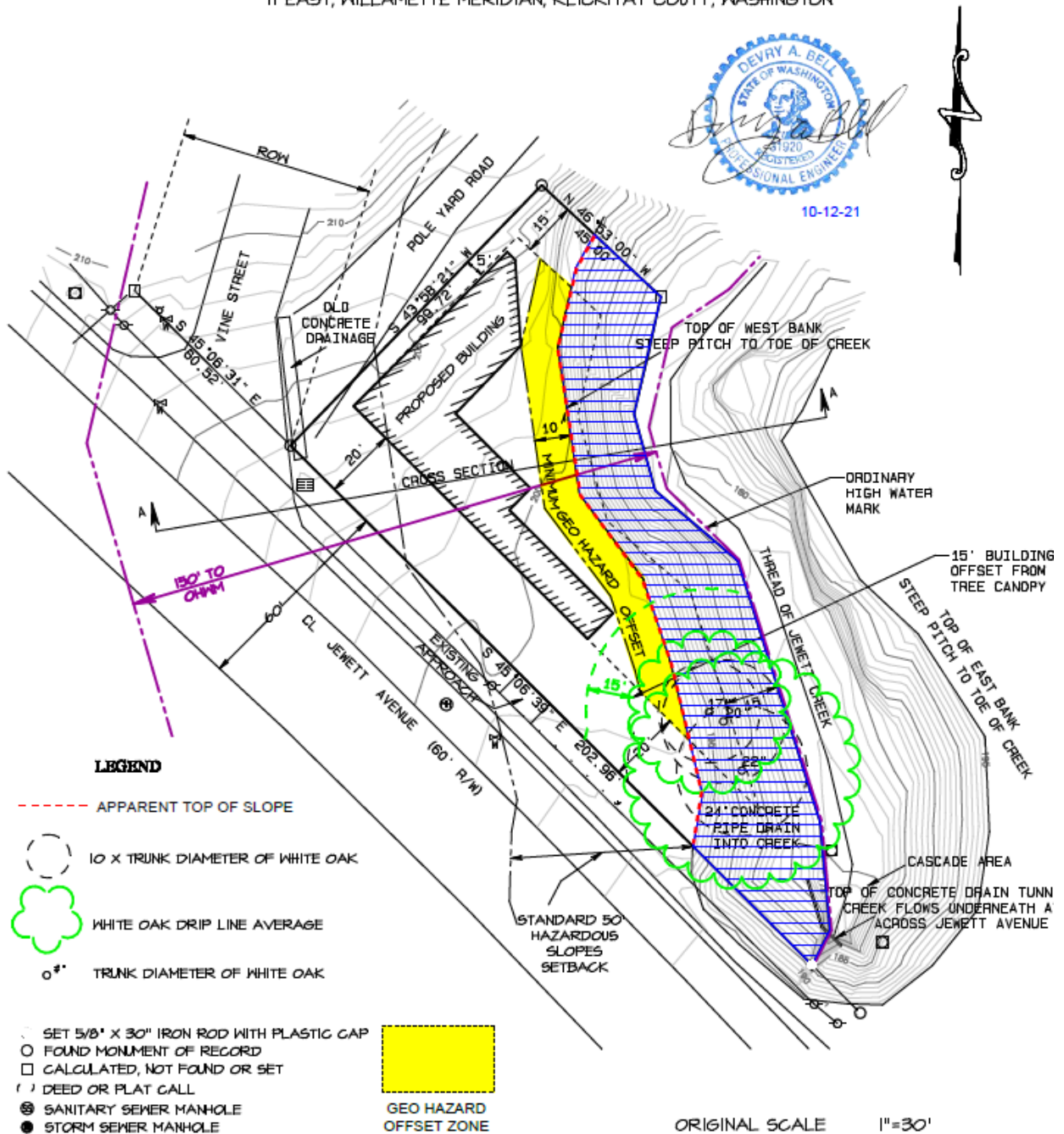
Jewett Creek is located east of the site, at the bottom of a steep (nearly vertical) sided ravine. Jewett Creek is a fish-bearing (Type F) water, which requires a standard 200-foot riparian buffer per WSMC 18.10.312. While the site is separated from Jewett Creek by the steep slope, the 200-foot buffer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

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

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

PROPOSED SINGLE FAMILY BUILDING ENVELOPE

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



MEMORANDUM

WSMC 18.10.114 – Applicability.

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

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

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

WSMC 18.10.116 – Submittal requirements.

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

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

WSMC 18.10.117 – Bonds of performance security.

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

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

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

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

MEMORANDUM

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

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

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

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

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

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

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

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

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

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

MEMORANDUM

WSMC 18.10.119 - Notice on title.

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

The notice shall state:

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

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

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

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

WSMC 18.10.120 - Inspection and right of entry.

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

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

WSMC 18.10.121 - Enforcement.

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

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

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

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

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

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

WSMC 18.10.125 - Exceptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WSMC 18.10.210 – General approach.

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

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

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

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

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

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

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

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

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

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WSMC 18.10.211 – Buffers.

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

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

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

WSMC 18.10.212 – Building set back line (BSBL).

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

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

WSMC 18.10.213 – Land division and property line adjustment.

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

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

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

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

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WSMC 18.10.214 – Native growth protection easements.

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

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

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

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

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

WSMC 18.10.216 – Marking and/or fencing.

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

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

CRITICAL AREA BOUNDARY

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

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

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

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

WSMC 18.10.217 – Critical areas reports/studies.

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

B. Studies Required.

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

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

C. General Critical Areas Report Requirements.

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

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

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

WSMC 18.10.218 – Mitigation timing.

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

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

WSMC 18.10.219 – General mitigation requirements.

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

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

- 1. The buffer for a created, restored, or enhanced critical area as compensation for approved alterations shall be the same as the buffer required for the category of the created, restored, or enhanced critical area. For the purposes of restoration, creation, or enhancement, buffers shall be fully vegetated and shall not include lawns, walkways, driveways and other mowed or paved areas.*
- 2. On-site and In-kind. Unless otherwise approved, all critical area impacts shall be compensated for through restoration or creation of replacement areas that are in-kind, on-site, and of similar or better critical area category. Mitigation shall be timed prior to or concurrent with the approved alteration and shall have a high probability of success.*
- 6. Critical Area Enhancement as Mitigation.*

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

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

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

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

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

WSMC 18.10.221 - Mitigation plans

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

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

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

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

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

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

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

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

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

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

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

Performance Standards

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

Maintenance and Monitoring Plan

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

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

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

Contingency Plan

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

The standards of this section are met.

WSMC 18.10.222 – Monitoring

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

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

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WSMC 18.10.223 - Contingencies/adaptive management

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

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

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

WSMC 18.10.224 - Habitat management plans

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

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

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

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

WSMC 18.10.300 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS.

18.10.311 - Designation.

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

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

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

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

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

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

18.10.312 - Buffers.

A. Riparian Habitat.

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

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

18.10.313 - General performance standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.10.314 - Special provisions—Streams.

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

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

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

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

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

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

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

18.10.316 - Native growth protection easement/critical area tract.

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

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

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

18.10.317 – Special Provisions – Heritage Trees

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

B. Heritage trees include:

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

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

E. Maintenance and preservation of heritage trees is required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.10.318 - Critical areas report.

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

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

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

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- b. Identification of any species of local importance; priority species; or endangered, threatened, sensitive or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;*
- c. A discussion of any federal, state, or local species management recommendations, including the state department of fish and wildlife habitat management recommendations, that have been developed for species or habitat located on or adjacent to the project area.*

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

1. On the site map:

- a. The location of the ordinary high water mark;*
- b. The toe of any slope twenty-five percent or greater within twenty-five feet of the ordinary high water mark;*
- c. The location of any proposed or existing stream crossing;*

2. In the report:

- a. Characterization of riparian (streamside) vegetation species, composition, and habitat function;*
- b. Description of the soil types adjacent to and underlying the stream, using the Soil Conservation Service soil classification system;*
- c. Determination of the presence or absence of fish, and reference sources; and*
- d. When stream alteration is proposed, include stream width and flow, stability of the channel including erosion or aggradation potential, type of substratum, discussions of infiltration capacity and biofiltration as compared to the stream prior to alteration, presence of hydrologically linked wetlands, analysis of fish and wildlife habitat, and proposed floodplain limits.*

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

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

WSMC 18.10.400 - GEOLOGICALLY HAZARDOUS AREAS.

18.10.411 - Designation.

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

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

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

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

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

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

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

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

18.10.412 - Prohibited development and activities.

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

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

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

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

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

18.10.413 - Performance standards.

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

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

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

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

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

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

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

18.10.414 - Special provisions—Erosion and landslide areas.

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

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

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

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

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

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

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

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

18.10.415 - Design standards—Erosion and landslide hazard areas.

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

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

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

18.10.416 - Native growth protection easement/critical area tract.

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

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

18.10.417 - Critical areas report.

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

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

1. On the site map:

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

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

4. In the report:

a. A geological description of the site;

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

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

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

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

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

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

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

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

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

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

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

I. CONCLUSIONS AND RECOMMENDATIONS

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

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

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

8. The applicant and/or developer shall implement the habitat study/HMP, including performance standards, maintenance and monitoring plan, and contingency plan, as detailed in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.

9. A detailed construction plan prior to building permit approval shall incorporate the mitigation and planting specifications, the performance standards, maintenance and monitoring plan, and the contingency plan outlined in the O'Donnell Property Critical Areas Habitat Study and Habitat Management Plan, dated May 25, 2021.

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

11. Utilities shall not be located outside of the proposed developable area for the lot.

12. With the exception of tightline drainage over the slope, stormwater facilities shall only be allowed in the buildable areas of the lot.

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

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

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

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

Suggested Motion

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

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

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

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

MEMORANDUM



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: 11.2.2021 Physical Address: Corned of Pok Yard Rd + Jewett

Applicant: John O'Donnell

Representative for Applicant: _____

Telephone: 503-702-8524

Mailing Address: 1524 Sherman Flood River 97031

Email: john@skocapital.com

VARIANCE APPLICATION

To the White Salmon Planning Commission...

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

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

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

Common discretion of the property: _____

Address of the property involved: SE corner of Pike Trail Rd. & Jewett

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

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

Current Land Use of Site: base land

Current land use to the:

North: PA D - Commercial East: Commercial

South: Residential West: Residential

Floor space of buildings:

Existing: NA Additional: N/A Entire: —

VARIANCE APPLICATION (CONTINUED)

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

Other Parking Provisions, Describe: _____

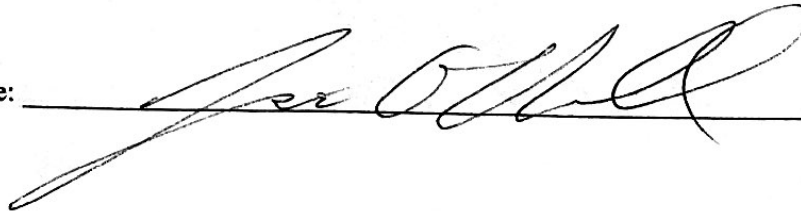
Name of each owner of the property involved and mailing address: _____

- ① DuD#1 Kitchell Co. 1313 S. Columbus Goldendale WA 98622
- ② Benny Co LLC P.O. Box 933 White Salmon WA 98672
- ③ Carol York Trustee P.O. Box 315 White Salmon WA 98672
- ④ Church Christian Evangelistic 1603 NE 26th St Vancouver WA 98684
- ⑤ Luke Bradford 151 Old Hwy Lyle WA 98635
- ⑥ Jonathan Blake P.O. Box 7 White Salmon WA 98672

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

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

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

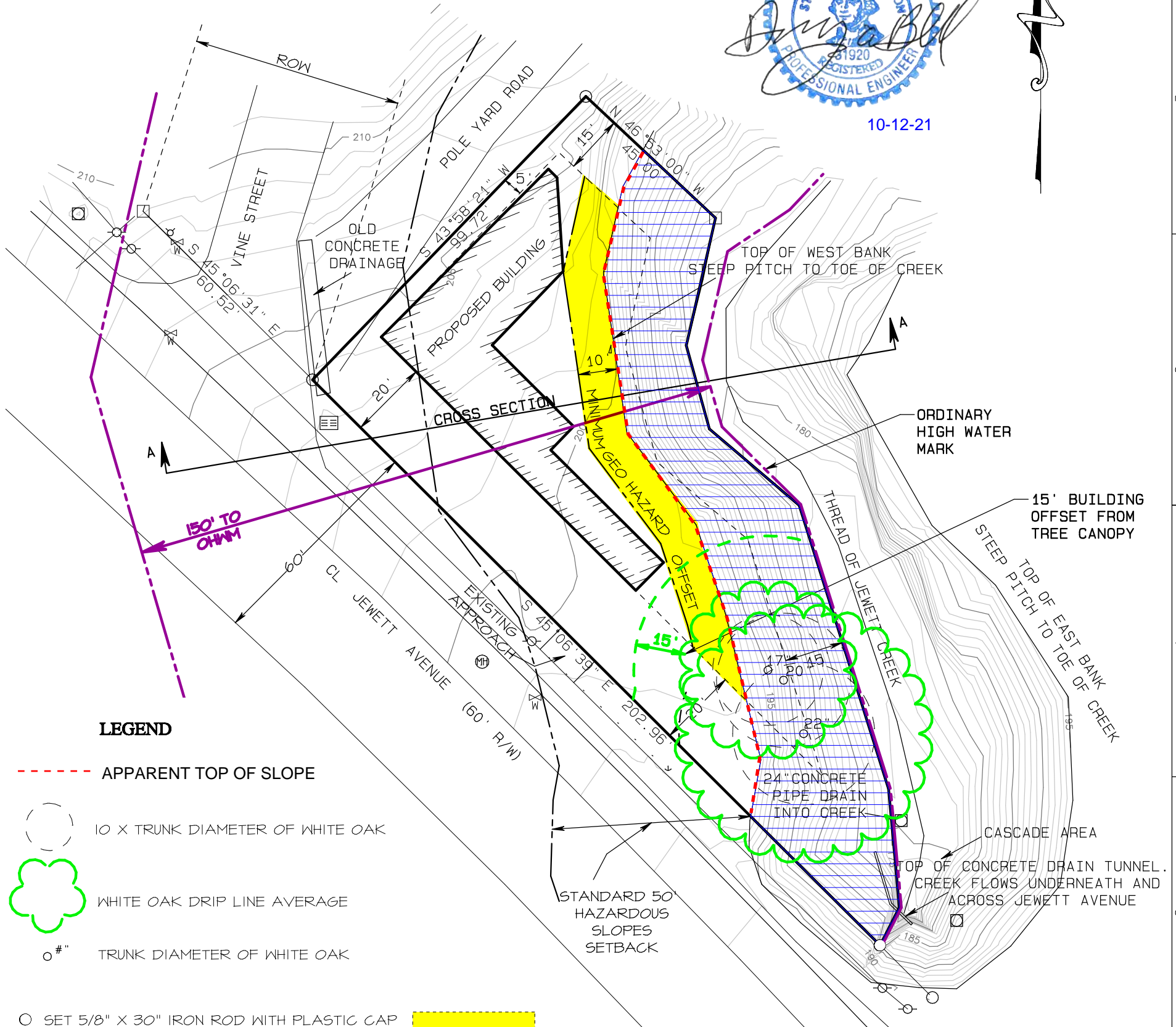
Applicant Signature: 

PROPOSED SINGLE FAMILY BUILDING ENVELOPE

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



10-12-21



LEGEND

--- APPARENT TOP OF SLOPE

○ 10 X TRUNK DIAMETER OF WHITE OAK

☼ WHITE OAK DRIP LINE AVERAGE

○ # " TRUNK DIAMETER OF WHITE OAK

○ SET 5/8" X 30" IRON ROD WITH PLASTIC CAP

○ FOUND MONUMENT OF RECORD

□ CALCULATED, NOT FOUND OR SET

() DEED OR PLAT CALL

⊙ SANITARY SEWER MANHOLE

⊙ STORM SEWER MANHOLE

□ STORM DRAIN

⊗ WATER VALVE

▣ CATCH BASIN

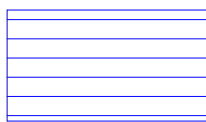
○ POWER POLE

+ GUY WIRE ANCHOR

OHWM ORDINARY HIGH WATER MARK



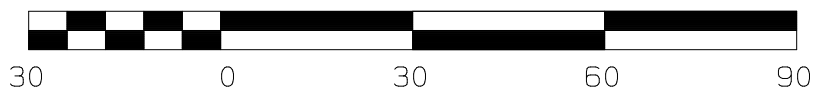
GEO HAZARD OFFSET ZONE



RIPIARIAN ENHANCEMENT AREA - 4838 S.F.

NO-BUILD ZONE

ORIGINAL SCALE 1"=30'



GRAPHIC SCALE

SEE SHEET C1.2 FOR HAZARDOUS SLOPE NOTES

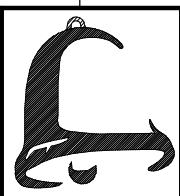
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CHECKED BY JHD
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DATE

JOB NO. 19B172
DATE 4/12/21
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DATE

CRITICAL AREA HAZARDOUS SLOPES
JOHN O'DONNELL
WHITE SALMON WASHINGTON



BELL DESIGN COMPANY
CIVIL ENGINEERING LAND SURVEYING
900 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA, 98605
PHONE (509) 493-3886, FAX (509) 493-3885
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JEWETT BLVD
(E) CENTER LINE

E JEWETT BLVD

56.96'
EOP TO TOB

21.5'
FROM CL
TO EOP

10'
SETBACK

(E) SEWER LINE CROSSING
DEPTH UNKNOWN

(E) WATER LINE CROSSING
DEPTH UNKNOWN

APPARENT TOP
OF SLOPE

(E) JEWETT CREEK BOTTOM

KEEP BOTTOM OF FOUNDATION 2'-0"
BELOW FINISHED GRADE AND BELOW
THE 1:1.5 LINE (AS SHOWN)



10-12-21

SEE SHEET C1.2 FOR
HAZARDOUS SLOPE NOTES

HAZARDOUS SLOPES - CROSS SECTION

D-3
C1.1

N.T.S

SHEET NO.
C1.1
OF
SHEETS

JOB NO.	19B172
DATE	9/2/21
DRAWN BY	ERT
CHECKED BY	DAB
REVISIONS	DATE
RECORD DRAWING	DATE

**CRITICAL AREA
HAZARDOUS SLOPES**

JOHN O' DONNELL

850 E JEWETT BLVD, WHITE SALMON, WA 98672



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GEOHAZARD CONSIDERATIONS

SETBACKS AND NO-BUILD ZONES

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

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

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

INCREASED FOUNDATION REQUIREMENTS

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

ALL PERMANENT FOUNDATION ELEMENTS MUST BE LOCATED TO THE SAFE SIDE OF NO-BUILD ZONE AND MINIMUM GEO HAZARD OFFSET LINE.

DRAINAGE REQUIREMENTS

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

HAZARDOUS SLOPES - NOTES

D-3
C1.2 N.T.S

OPTIONAL RECOMMENDATIONS

SLOPE ROUNDING

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

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



10-12-21

CRITICAL AREA
HAZARDOUS SLOPES

JOHN O' DONNELL

850 E JEWETT BLVD, WHITE SALMON, WA 98672



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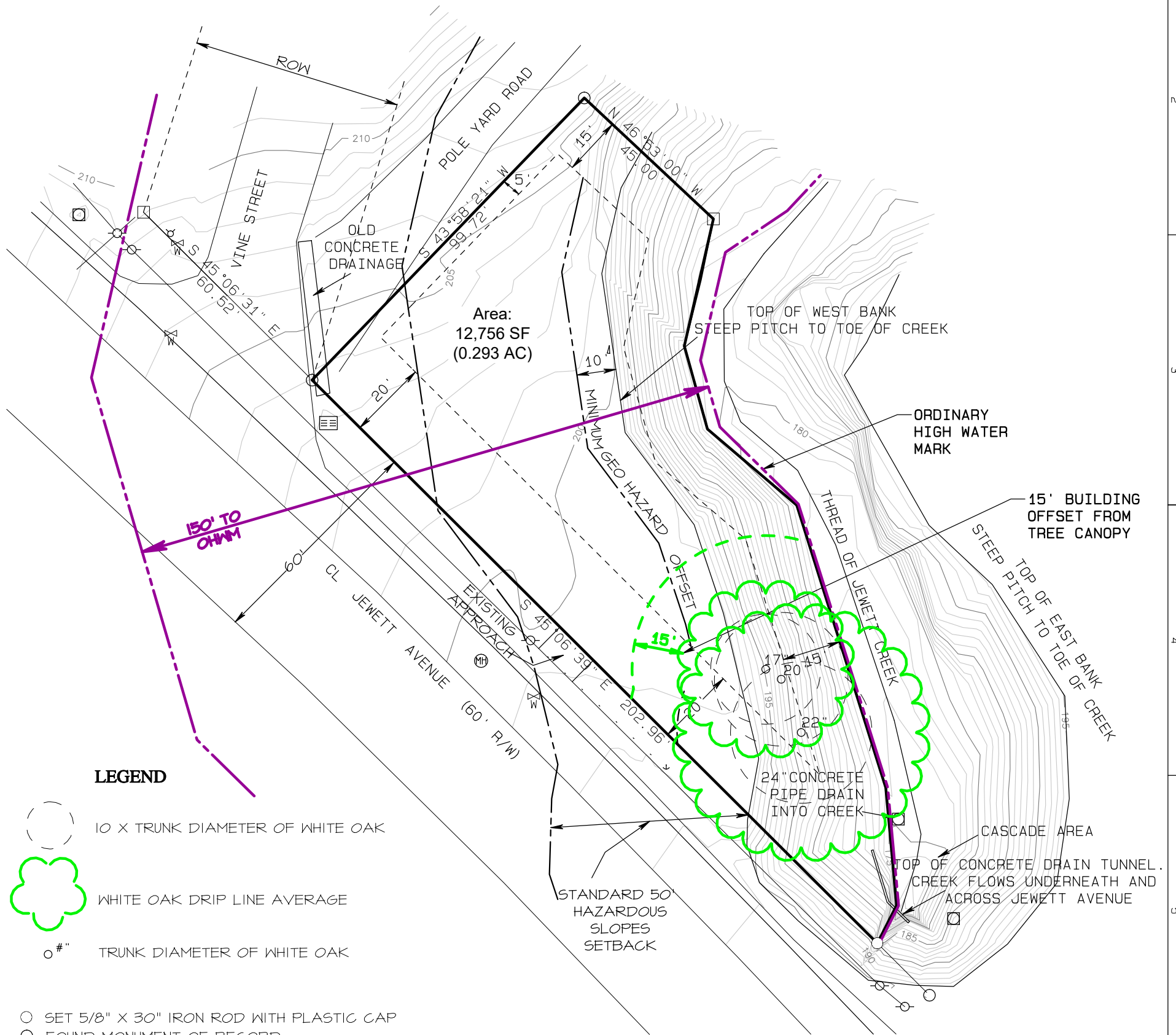
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JMR	DAB
REVISIONS	DATE
RECORD DRAWING	DATE

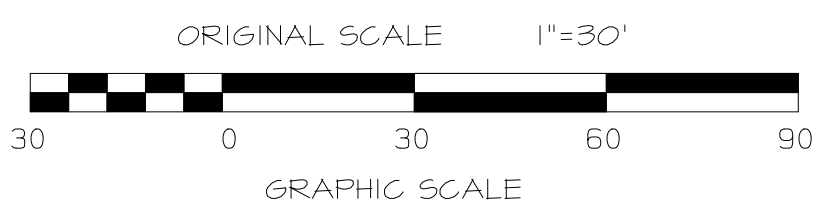
EXISTING CONDITIONS

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



LEGEND

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



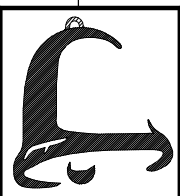
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DATE	4/12/24
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REVISIONS	DATE
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OF	1 SHEETS

EXISTING CONDITIONS

WHITE SALMON WASHINGTON



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Vancouver, WA 98682
(360) 882-0419

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

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

Introduction

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

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

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

Site Background

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

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

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

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

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

Site Analysis

Methods

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

Results

Priority Habitats and Species

Oregon White Oak Woodland

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

California Mountain King Snake

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

Northern Spotted Owl

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

Riparian Habitat

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

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

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

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

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

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

Project

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

Reasonable Use Variance Request

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

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

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

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

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

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

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

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

Riparian Habitat Impact Analysis

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

Riparian Habitat Enhancement Mitigation Plan

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

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

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

Performance Standards

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

Maintenance and Monitoring Plan

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

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

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

Signage and Fencing

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

Contingency Plan

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

Long-term Protection and Financial Assurance

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

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

Statement of Preparation

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



Stacey Reed, PWS
Senior Wetland Scientist

Attachments

Attachment 1. Figures

Figure 1. USGS Vicinity Map

Figure 2. Parcel Map

Figure 3. NRCS Soil Survey Map

Figure 4. USFWS National Wetland Inventory (NWI) Map

Figure 5. WDFW Priority Habitat and Species (PHS) Map

Figure 6. Existing Conditions Survey Map

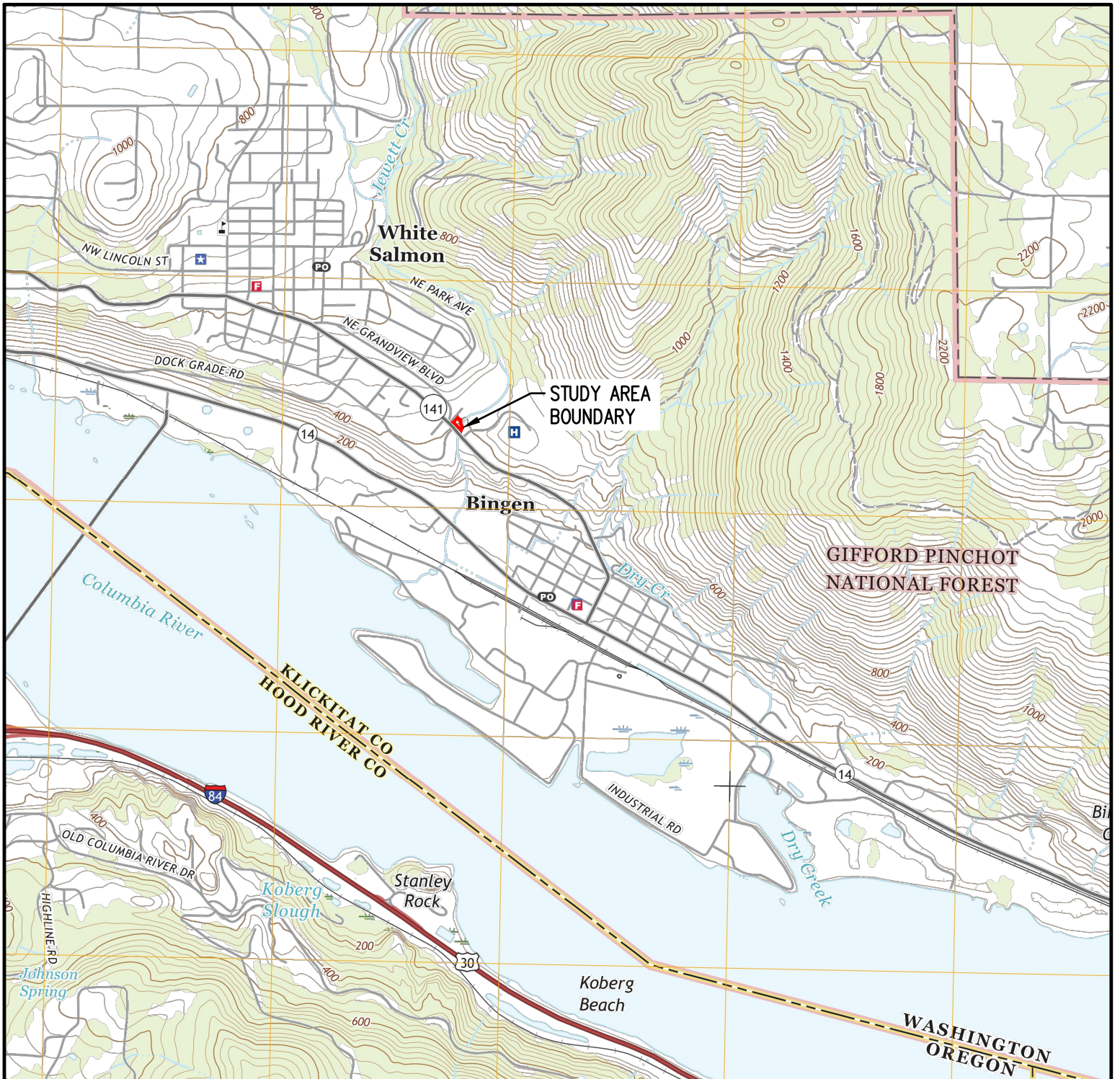
Figure 7. Site Plan

Attachment 2. Representative Site Photographs

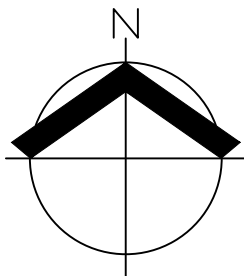
Attachment 3. Riparian Buffer Enhancement Planting Plan



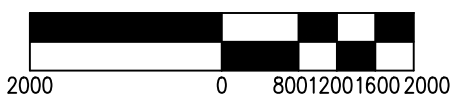
Attachment 1. Figures



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



SCALE: 1" = 2000 FEET



DATE: 05/24/2021

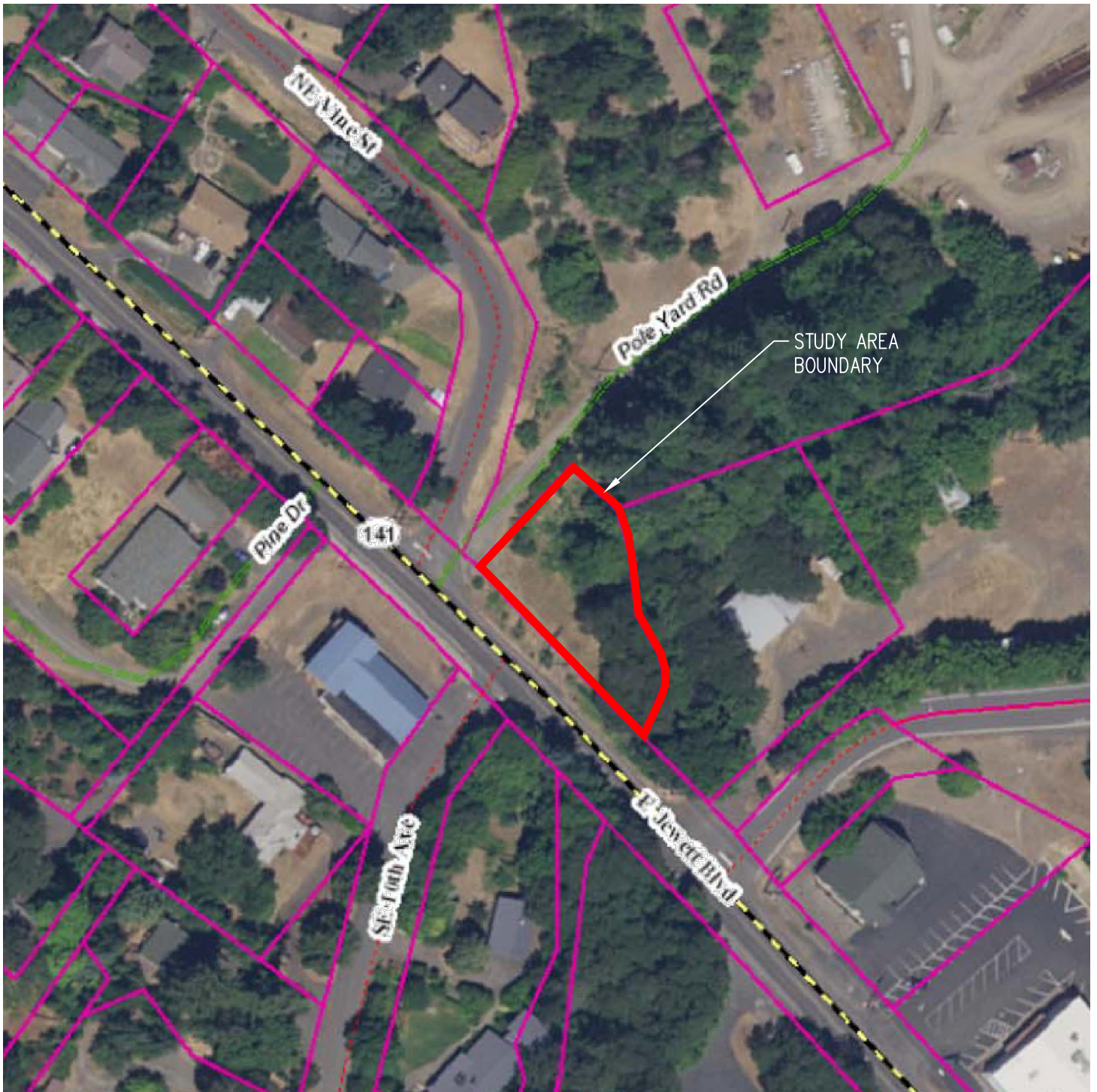
**USGS VICINITY MAP
 O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY**

AKS ENGINEERING & FORESTRY, LLC
 9600 NE 126TH AVE, STE 2520
 VANCOUVER, WA 98682
 P: 360.882.0419 F: 360.882.0426 aks-eng.com

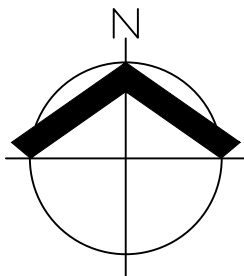


FIGURE
1

DRWN: SAS
 CHKD: SAR
 AKS 100



KLICKITAT COUNTY
 PARCEL NO. 03113012001400



SCALE: 1" = 100 FEET



DATE: 05/24/2021

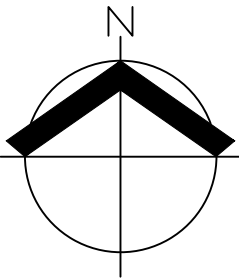
PARCEL MAP O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY		FIGURE 2
AKS ENGINEERING & FORESTRY, LLC 9600 NE 126TH AVE, STE 2520 VANCOUVER, WA 98682 P: 360.882.0419 F: 360.882.0426 aks-eng.com		DRWN: SAS CHKP: SAR AKS 101





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

NRCS WEB SOIL SURVEY FOR
Klickitat County



SCALE: 1" = 60 FEET



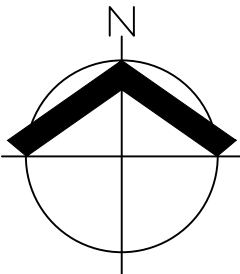
DATE: 05/24/2021

NRCS SOIL SURVEY MAP O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY		FIGURE 3
AKS ENGINEERING & FORESTRY, LLC 9600 NE 126TH AVE, STE 2520 VANCOUVER, WA 98682 P: 360.882.0419 F: 360.882.0426 aks-eng.com		DRWN: SAS CHKD: SAR AKS 102





US FISH & WILDLIFE SERVICE
NATIONAL WETLAND INVENTORY (NWI)



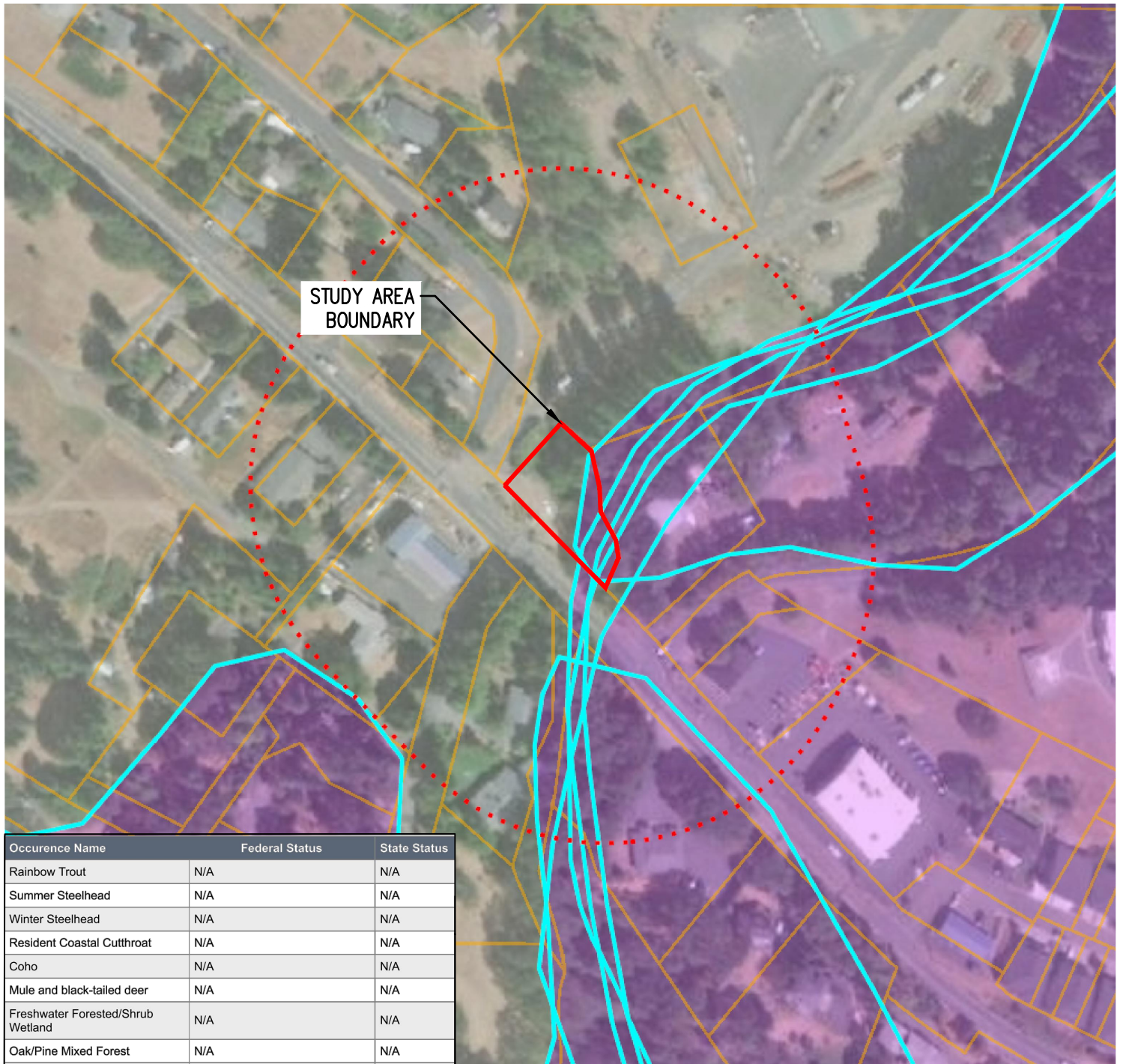
SCALE: 1" = 150 FEET



DATE: 05/24/2021

NATIONAL WETLAND INVENTORY MAP O'DONNELL PROPERTY CRITICAL AREAS HABITAT STUDY		FIGURE 4
AKS ENGINEERING & FORESTRY, LLC 9600 NE 126TH AVE, STE 2520 VANCOUVER, WA 98682 P: 360.882.0419 F: 360.882.0426 aks-eng.com		DRWN: SAS CHKP: SAR AKS 103

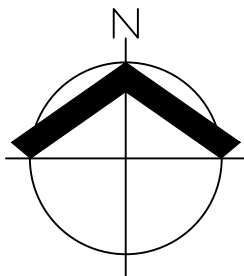




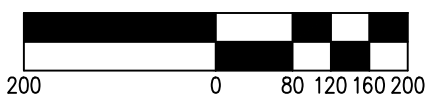
STUDY AREA
BOUNDARY

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

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



SCALE: 1" = 200 FEET



DATE: 05/24/2021

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

FIGURE
5

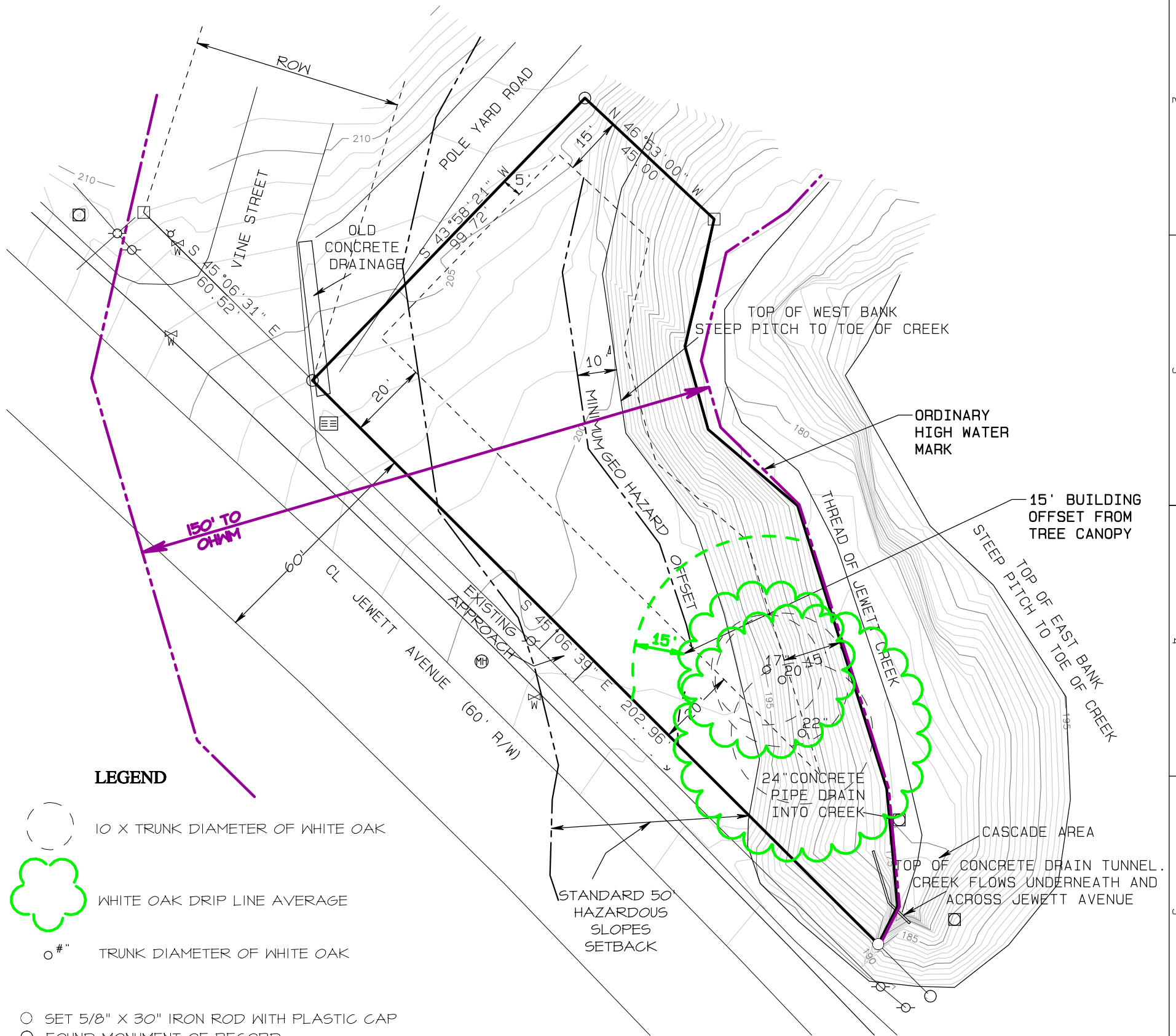
AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, STE 2520
VANCOUVER, WA 98682
P: 360.882.0419 F: 360.882.0426 aks-eng.com



DRWN: SAS
CHKD: SAR
AKS 104

EXISTING CONDITIONS

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



LEGEND

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

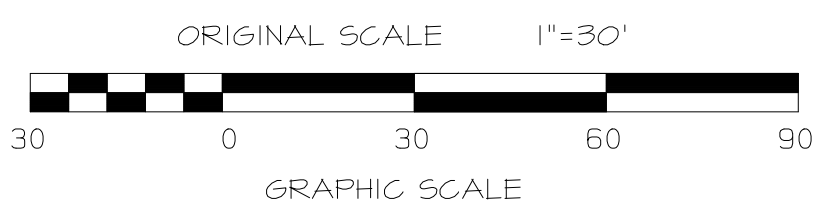


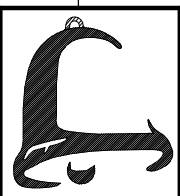
Figure 6
EXISTING CONDITIONS
DATA AS PER
TERRA SURVEYING

0:\2019\B172\19B172.pro

JOB NO.	19B172
DATE	4/12/24
DRAWN BY	JHD
REVIEWED BY	ARB
REVISIONS	DATE
SHEET NO.	C1.00
OF	SHEETS

EXISTING CONDITIONS

WHITE SALMON WASHINGTON



BELL DESIGN COMPANY
CIVIL ENGINEERING **LAND SURVEYING**
 900 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605
 PHONE (509) 493-3886, FAX (509) 493-3885
 belldesigncompany.com

REPRODUCED FROM THE ORIGINAL SURVEYING RECORDS OF BELL DESIGN COMPANY, INC. WITHOUT WRITTEN PERMISSION OF BELL DESIGN COMPANY.



Attachment 2. Representative Site Photographs



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



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



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



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



Attachment 3. Riparian Buffer Enhancement Planting Plan

O'Donnell Property Riparian Buffer Enhancement Planting Specifications

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

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

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

Planting Notes:

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