

CITY OF WHITE SALMON

PLANNING COMMISSION MINUTES

June 13, 2007

Call to Order: Meeting was called to order at 5:34 PM by Chairman Don Smith.

Roll Call: Present were: Chairman Don Smith, Commissioner Spaeth and Willey. Comm. Poucher absent. Staff: Land Use Consultant Dotty DeVaney and Associate Planner Dixie Walker. Audience Members: Michael Ilg, Peter Nance, Land Surveyor Terry Trantow and Judy Farrell.

The determination of qualifications of the members of the Planning Commission to assure a fair and impartial hearing was recited. No ex-parte contact, conflict of interest or bias was revealed. There was not anyone in the audience wishing to object to the participation of any of the sitting PC members.

PUBLIC HEARING: White Salmon Short Plat 2007-002; Michael A. Ilg
Applicant: Location: 681 E. Jewett Blvd. White Salmon.

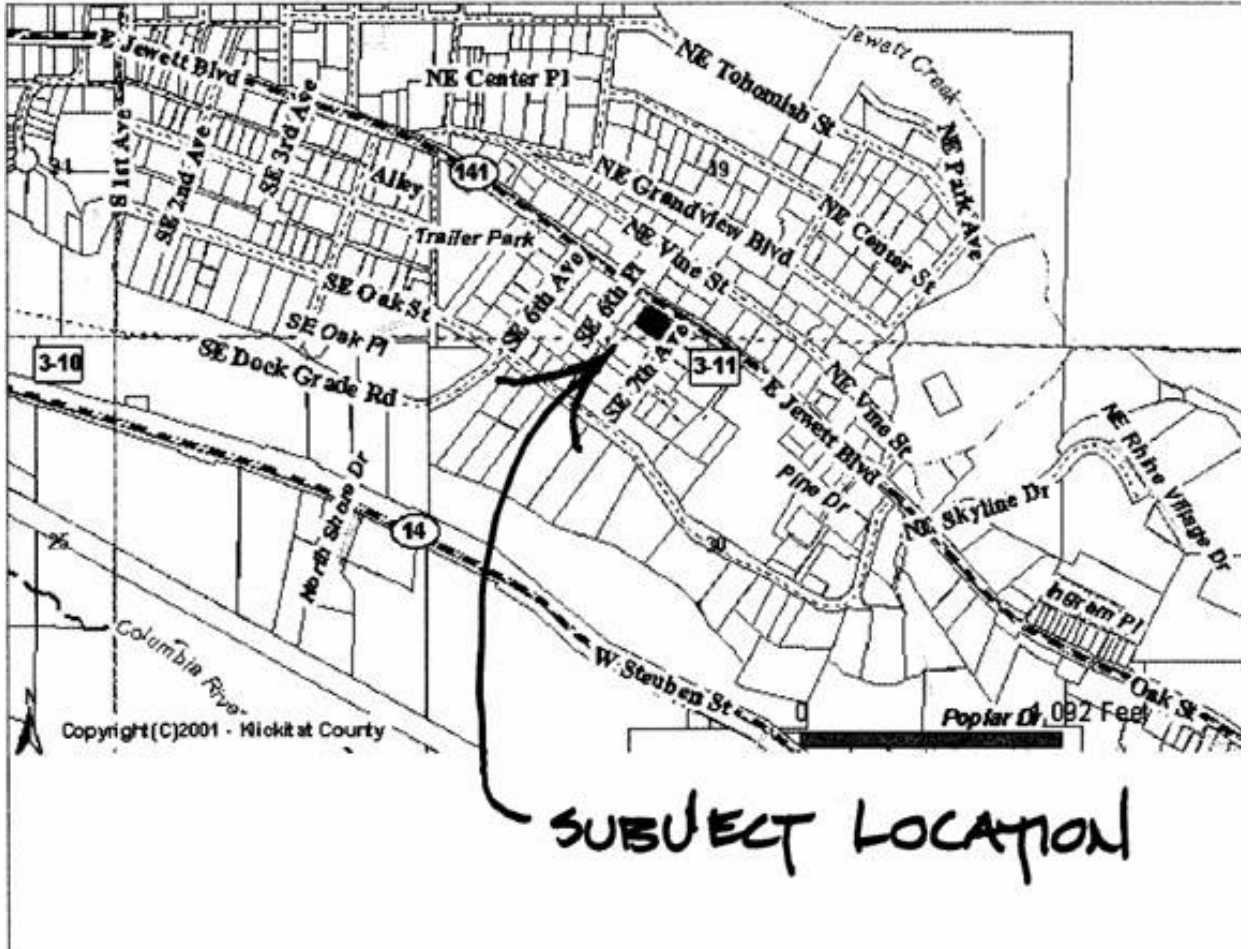
STAFF REPORT by DeVaney Consulting: Dotty said she met with the applicant's on site earlier in the review process. Dotty questioned the PC if they had visited the site. All Commissioners replied that they had visited the site. Staff reviewed the following staff report and responded to questions from the Commission prior to opening the public testimony portion of the hearing.

**BEFORE THE PLANNING COMMISSION OF THE
CITY OF WHITE SALMON, WASHINGTON**

In the Application of) WS-SP-2007-002 WS-VAR- 2007-001
Ilg Industries, Inc, (Owner),) STAFF RECOMMENDATION
Michael A. Ilg, (Applicant)) FINDINGS AND DECISION

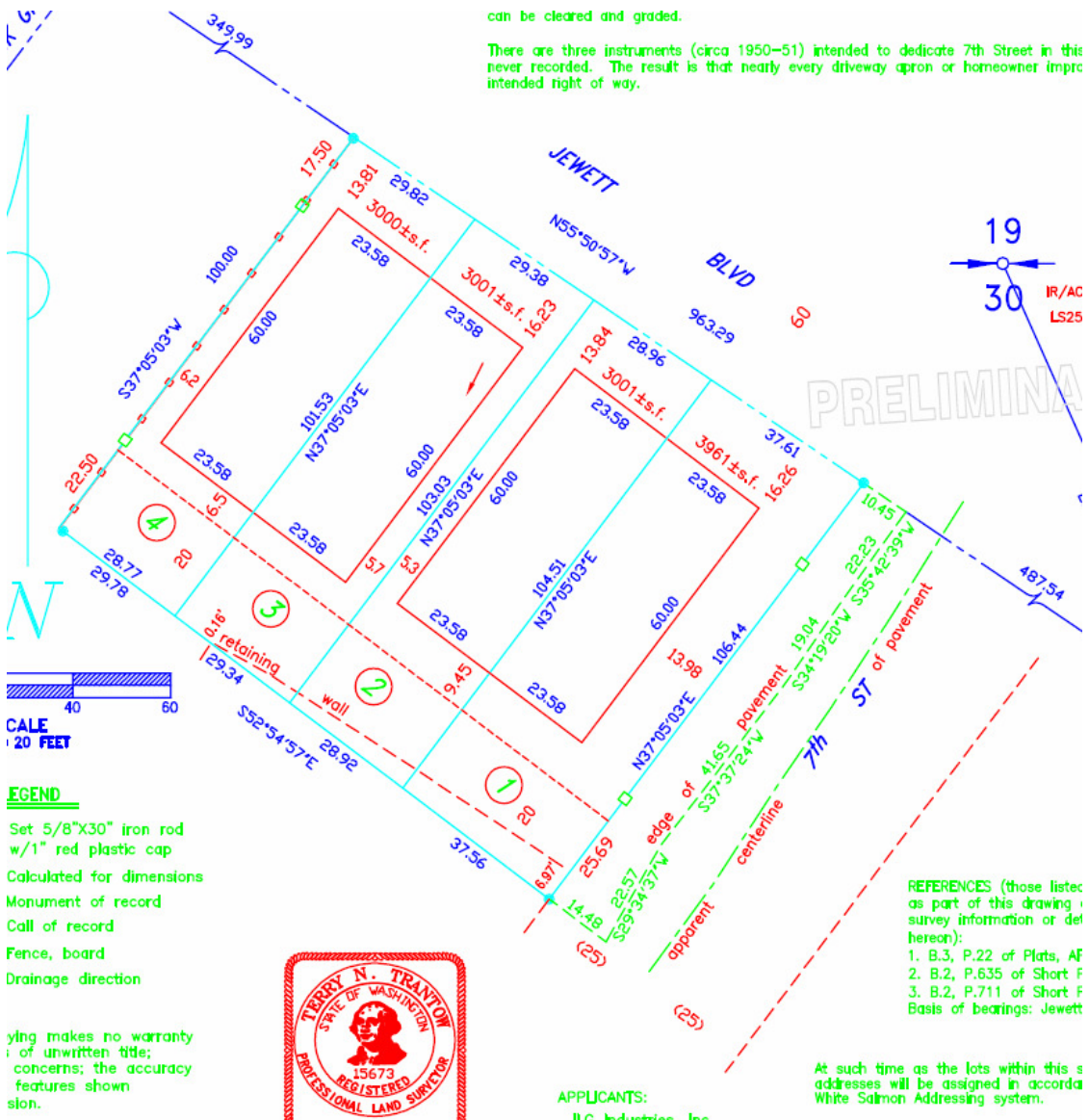
Applicant proposes a land division including requested approval for four (4) lots and four (4) town house units in two separate town house structures, located within the City of White Salmon (City). Project is located at 681 E. Jewett Blvd., along the south west side of Jewett Blvd, which property is legally referenced as Tax Parcel 03-11-3077-0315/00, located in the SE 1/4 of the SW 1/4 of Section 19, and the NE1/4 of the NW 1/4 of Section 30, in Township 3N, Range 11E, W.M., Klickitat County, Washington.

LOCATION:



This matter has been duly noticed and scheduled to be heard by the White Salmon Planning Commission (planning commission) on June 13, 2007. In preparation for the hearing, the city's consulting planner has reviewed the applicant's proposal, has contacted Washington Department of Transportation several times in early and mid May, met with the Fire Chief, Police Chief, City Engineer and Deputy Public Works Director on May 8th, met with applicants and their representatives on site May 15th and June 13th.

PRELIMINARY PLAN MAP:



BACKGROUND INFORMATION:

Proposed lot sizes are:

- Lot #1 – approx 3,000 s.f.
- Lot #2 – approx 3,000 s.f.
- Lot #3 – approx 3,000 s.f.
- Lot #4 – approx 3,900 s.f.

Complete Legal Description:

That portion of Tract “B”, Block 3, JEWETT’S FARM ADDITION TO THE TOWN OF WHITE SALMON, County of Klickitat and State of Washington, as recorded in Volume 3 of Plats, Page 22, described as follows:

Commencing at a point on the Southwesterly boundary line of Jewett Avenue, which said point is 50 feet Southeasterly from the Northwest corner of said Tract “B”; thence Southwesterly, at all times parallel with the Northwest boundary line of said Tract “B”, a distance of 100 feet; thence Southeasterly, at right angles, 125 feet; thence Northeasterly, at right angles, to a point on the Southwesterly Boundary Line of Jewett Avenue; thence Northwesterly, along said Southwesterly boundary line of Jewett Avenue, to the point of beginning.

Assessor’s Tax Parcel No. 03-11-3077-0315/00

Ownership:

The Applicants have provided a Subdivision Guarantee showing Title Vested in ILG Industries, Inc., an Oregon corporation, as owners for the real properties comprising the proposed short plat.

Lot Size:

0.30 Acres

Zoning:

R-2 Two-Family Residential District

Existing Land Use:

A Single Family Residence was demolished in late Fall of 2006. The property is presently vacant. The entire site slopes gently away from Jewett Blvd. No springs, seeps or ponded water were identified on any portion of the properties subject to this proposed short plat. The preliminary plat map shows a potential encroachment onto the subject parcel. The potential encroachment consists of a retaining wall and possibly a portion of a carport and fence line of the neighboring property to the south west.

Surrounding Land Use:

All uses immediately surrounding the parcel are single family residences. The neighborhood is predominantly developed.

The Recommendation. Based upon the Record, and the following findings, staff recommends the planning commission forward a recommendation of approval authorizing WS-SP-2007-002 WS-VAR-2007-002 subject to strict compliance with all Proposed Findings of Fact and Conditions of Approval:

Proposed Findings of Fact and Conclusions of Law:

WSMC 16.64.080.A. Its conformance to the general purposes, standards and requirements to the city's comprehensive plan, zoning ordinance, environmental ordinance and to any other applicable laws and policies:

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The proposal, as conditioned, complies with this criterion.

Comp Plan -

- The parcel is zoned R-2. The Comprehensive Plan designates R-2 as a medium density residential zone. The Comprehensive Plan provides for minimum lot size of 5,000 s.f. and provides for duplexes with larger lot sizes.

Zoning Ordinance -

- The Zoning ordinance implements the 5,000 s.f. minimum lot size and allows for duplexes or town houses. Town houses are limited to a density similar to the density that would result from development of a duplex but allows for both units sharing a wall to be sold separately. Two family dwellings – duplexes are provided for on 6,000 s.f. lots and town houses require 3,000 s.f. per unit. Town houses are listed as a principal use permitted outright and are subject to standards listed in WSMC. A condition of approval requires that the density and lot size requirements in the R-2 zone be complied with.
- **17.28.010 C. 1.-9.** 1) Limits townhouse buildings to two units per building, 2) requires units be a minimum of 20 feet wide, 3) requires the drive be 12 feet wide in a 16 foot wide area with min of one foot shoulders, 4) allows no parking on access drives, 5) requires common access to be subject to a maintenance agreement, 6) requires that townhouses be replaced in compliance or parcels be recombined to meet the minimum lot size for a single family home if town houses are damaged or destroyed, 7) requires preliminary plat approval prior to issuing a building permit and 8) a post construction survey prior to final short plat approval, and 9) limits access to streets from town houses. Imposition of these standards is assured by adoption of the recommended conditions of approval and findings of fact.

State Law -

- Access requirements for town houses are limited to one curb cut per town house building. The subject property is located on Jewett Blvd., also known as Highway 141. It is located between mileposts 0.98 and 1.08 and is classified Class 5 Managed Access per e mail from Susan Rodiger dated April 30, 2007. This means the city must apply standards that are the same or more stringent than the state’s access standards. (RCW 47.50 – WAC 468-52-040)
- Other findings required to address state access standards are discussed below.
- RCW 58.17.110 also lists other factors to be considered and findings required by state law prior to approval of a land division. These factors are discussed and findings provided below.
- A condition of approval also requires that the short plat conform to other local and state regulations controlling water, wastewater, solid waste service, and environmental regulations where they may be applicable.

WSMC 16.64.080 B. The physical characteristics of the short subdivision site. Flood inundation or swamp conditions are cause for disapproval. Construction of protective improvements may be required as a condition of approval;

F-2

No flood hazards, riparian areas, wetlands, or other environmentally sensitive areas are located on the subject parcel.

WSMC 16.64.080 C. All other relevant facts to determine whether the public interest will be served by the short subdivision;

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RCW further provides factors to be considered and lists required findings to be made prior to approving a short plat.

RCW 58.17.110

Approval or disapproval of subdivision and dedication -- Factors to be considered -- Conditions for approval -- Finding --

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

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The WSMC provides for town houses as a “principal use permitted outright” in the R-2 zone. The public health, safety, and general welfare is provided for uses permitted outright in the WSMC by the imposition of standards.

Safety of Streets, Roads, Alleys, and Other Public Ways is provided for uses permitted outright in the WSMC by the imposition of street standards generally to land divisions and additional access standards applicable to townhouse development specifically.

WSMC standards 17.28.010 C. 1-9, applicable to town house development, require that driveways be limited to a single curb cut per building. This is required as a condition of approval. State access management standards applicable to this segment of Hwy 141 also require that access to the site be provided off 7th Street rather than directly off Jewett. No parking will be allowed along Jewett Blvd. and the curb cut at the existing point of access off Jewett Blvd will be required to be removed and replaced with standard sidewalk by the applicant. Other findings required to address state access management standards are discussed below.

WSMC 16.28 Design Standards applicable to streets generally are addressed below.

Potable water is available to the site. The Applicant has ownership of one ¾-inch water meter from the house that was located on the property. There is a 3-inch waterline main located beneath the sidewalk on Jewett Blvd and a 4-inch PVC waterline in 7th Street. The Applicant has an application on file for city water for proposed Lots 2, 3 & 4 and is number 39, 40 and 41 on the “Waiting List”. These Applications can not be approved until the State imposed Water Moratorium has been lifted or until hookups become available in accordance with local regulations and the terms of the moratorium. When hookups become available the applicant will replace the existing water meter and relocate it to 7th Street where all four hook ups can be co-located to provide service from the 7th Street water main. Pressure in the water system at this location exceeds residential maximums per the City’s comprehensive water plan. Applicant will be required to install and maintain a private pressure reduction valve along the private water service line. A condition of approval shall be made part of this decision requiring compliance with the required relocation and of hookups and installation and maintenance of a private pressure reduction valve.

A condition of approval confirms that the ability to use the existing water hookup shall continue to be subject to all local and state law and any terms of the moratorium deemed applicable to such use. An additional condition of approval requires a statement (per RCW 19.27.097) be shown on the plat that informs the current and future owners that “building permits may not be issued within this short plat until evidence of a connection to the city water supply system is certified, except as provided by state law.”

Waste water service is available at the site via an 8” sewer line in 7th Street. This line has been deemed sufficient by the city engineer to accommodate the planned development. The existing 4” service line stubbed out to the lot will be upgraded by the applicant to a 6-inch line connecting to the mainline in 7th Street. A condition requiring all connections to or installations of public utilities be inspected and accepted by a qualified city representative prior to completing the work will ensure the connection to the service line meets minimum standards. An additional condition will require the applicant to demonstrate that all easements necessary to allow extension of access drive and utilities through private properties prior to approving the short plat for recording. Topography shall be shown on the preliminary map to allow the city engineer to provide input on the service line design, location, and installation.

Storm water runoff rate after full build-out shall not be greater than pre-development rate. Street run-off at the curb line shall be captured in a City of White Salmon Standard catch basin and delivered to the existing storm line on the north side of Spring Street. All storm systems shall be designed by a Professional Engineer Licensed in the State of Washington, and shall be submitted to the City for approval. Easements for construction, maintenance and replacement must be shown on the face of the plat.

The proposed development is not a scale to adversely affect or generate an inordinate demand for parks, schools, or open spaces. Nor is the project of a scale to provide internal streets, paths, sidewalks or bike lanes.

WSMC 16.64.080 D. All standards for improvement as set forth in Chapter 16.28 have been met;

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WSMC 16.28 Design Standards require a 60 foot right of way; Jewett Blvd, travel lanes and side walk have been installed. The curb cut along Jewett Blvd will be replaced by sidewalk by the applicant at the applicant’s expense. Urban access street standards in WSMC 16.28 require 24 foot wide paved travel width (14 foot wide lanes) with curbs and 5 foot sidewalks; or a 32 foot wide paved travel width with shoulder sections. Existing right of way along 7th Street and Jewett exists and there is no need for additional ROW dedication. Due to the low level of traffic on Seventh Street and existing development patterns along that street, additional road improvement is not anticipated in the foreseeable future. Emergency responders have confirmed that the improvements on 7th Street are sufficient to provide them safe access in an emergency. No half street improvements are required. A condition of approval should be made part of the a decision that requires a waiver of opposition to a limited improvement district should one be formed in the future. The waiver shall be executed on a form acceptable to and recorded in the manner dictated by the City Attorney.

WSMC 16.64.080 E. Determine if the intent of this title is met by the short plat and that the short plat does not contravene the intent of state and local subdivision regulations.

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Application of the recommended conditions of approval including additional conditions supported by the findings and conclusions ensure the proposal as conditioned is consistent with the intent of this title.

WAC 468.52.040 No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access points would not adversely affect the desired function of the state highway in accordance with the assigned access classification, and would not adversely affect the safety or operation of the state highway... The minimum distance to another public or private access connection shall be one hundred twenty-five feet.

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Staff contacted WSDOT and corresponded with both Rebecca Hawkins and Susan Roediger. WSDOT contacts confirmed that RCW 47.50 and WAC 468-52-040 require cities and towns to implement access management on state highways within their city limits. State standards must be applied unless more stringent standards are adopted by the city. The city has not adopted standards to supersede state standards. For this reason the above standards are applied to this application.

The initial plan proposed by the applicant included driveway access to all four units directly onto Jewett Blvd. A maximum of one access is allowed per parcel. The current parcel's frontage on Jewett Blvd is not sufficient to provide for the required 125 foot spacing between 7th Street and a single driveway off Jewett. The option to access off 7th Street must be exercised. A condition of approval requiring the proposed town houses to be accessed off 7th Street shall be applied to this decision.

WAC 468.51.110 Changes in property site use. The connection permit is issued to the permit holder for a particular type of land use generating specific projected traffic volumes at the final stage of proposed development. Any changes made in the use, intensity of development, type of traffic, or traffic flow of the property requires the permit holder, his or her assignee, or property owner...shall obtain a new permit prior to the initiation of any on-site construction to the connection or to the property.

(1) Significant change. A significant change is one that would cause a change in the category of the connection permit or one that causes an operational, safety, or maintenance problem on the state highway system based on objective engineering criteria or available accident data. Such data shall be provided to the property owner and/or permit holder and tenant upon written request.

(2) Notification. Failure to contact the department to determine the need for connection modifications or to apply for a new permit for such modifications prior to initiation of property improvements, land use changes or traffic flow alteration actions shall result in notification to the property owner and/or permit holder and tenant of intent to revoke the existing permit and closure of the connection to the property.

(3) Costs. The permit holder is responsible for all costs associated with connection removal, relocation, or modification caused by increased or altered traffic flows necessitated by changes to facilities, use, or to the nature of the business on the property.

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Follow up contact with Rebecca Hawkins at WSDOT confirmed that significant change of an existing use would include replacement of a single family dwelling with four units of housing and that this requires review and approval of a new access permit. The applicant has notified the city about the intent to change the use and the city has reviewed the applicant's access options relative to WSDOT standards. Staff determined that because of spacing requirements, the limitation of access points to one per parcel and the option of accessing from 7th Street, WSDOT standards cannot be met unless access is provided from 7th Street. The existing curb cut shall be removed and replaced by sidewalk matching the sidewalk on either side. Costs associated with this change are the responsibility of the applicant/property owner. A condition requiring the applicant/property owner to remove the curb cut and replace the cut with a sidewalk at their expense will be made a part of this decision.

***WAC 468.51.100 Nonconforming connection permits.** The department may issue a permit for a connection not meeting department location and spacing criteria standards if it finds that a conforming connection is not attainable at the time of the permit application submittal and that denial would leave the property without a reasonable access to the public road system. The department may issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the state for restoring or maintaining the operational efficiency and safety of the state highway.*

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The presence of an alternate access providing reasonable access to the public road system precludes the ability to permit access directly onto Jewett Blvd. in conflict with WSDOT minimum standards.

***WSMC 17.80.050B.** ...variances from the terms of this title; provided that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and*

district in which the subject property is situated, and that the following circumstances are found to apply:

1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of the rights and privileges enjoyed by other property in the vicinity and under identical zoning district classifications, and

2. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is situated.

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Approval of the applicant's request as presented requires approval of variance to side and front yard setbacks. Approval of a variance to terms of the WSMC requires that the granting of a variance does not grant special privilege inconsistent with the limitations upon other properties in the vicinity.

The requested variance to the side yard requirement is to allow the unit proposed along 7th Street to be located 13.98 feet from the property line. The required yard depth is 15 feet.

The requested variance to the front yard setback is to allow an average front yard depth of approximately 15 feet with a minimum yard width of 13.81 feet and a maximum yard width of 16.26. The required front yard depth is 20 feet. The units will be addressed from Jewett to provide clarity for emergency responders. Vehicle access to the units will be from 7th Street and will result in the development of a single shared access drive along the property line opposite Jewett.

Side Yard Corner Lot Variance

The subject parcel is sufficient size to accommodate the proposed number of lots and units. The lot is a parallelogram rather than a rectangle which means that locating units of equal size on parcels all equal to or larger than 3,000 s.f. results in one out side side yard being in excess of the required 5 feet (6.2 feet) and the corner side yard setback along 7th falling approximately one foot shy of the required depth. The granting of the variance will not significantly affect view clearance or

Front Yard Variance

The requirement that access be provided from 7th Street also results in the need for additional rear yard depth to accommodate turns from the common drive into the proposed garages. The applicant also has concerns related to an encroaching retaining wall from a neighboring property. If a variance is granted to facilitate the need to accommodate shared access from the rear off 7th Street, the extent of the setback must be minimized to accommodate consistent uses without granting special privilege.

The proposed density and lot sizes comply with density and lot size in the zone. Proposed yard depths will not result a material detriment to the public welfare or surrounding property in the same zoning district. Rear yard depths in the city have been typically varied from 20 to 15 feet as long as no obvious adverse impact will result. Surrounding yard depths appear (based on the Klickitat County aerial and GIS system) to be 18 to 20 feet deep. The Planning Commission has the option and the responsibility to determine if a variance can be approved and if so how much is too much. Approval of some variance to front yard setback provides sufficient flexibility to accommodate rear yard vehicular access. Approval of a lesser variance than requested by the applicant would result in the need to construct smaller units on the proposed parcels but would still provide for the same number of units. A 57 foot deep unit would require three feet less variance by providing for a minimum average front lot depth of approximately 18 feet rather than 15 feet. A condition of approval clearly stating the maximum extent of the variance granted shall be made part of this decision.

CONDITIONS OF APPROVAL:

Pre-Construction and Miscellaneous Conditions:

C-1. Pre-Construction Conference: Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the City. Prior to or by the pre-construction conference, the Applicant shall:

- a. agree to reimburse the City for design review and inspection costs and pay all fees incurred to date
- b. provide certificate of insurance to the City documenting adequate insurance coverage for the contractors
- c. provide and obtain approval of construction staking
- d. agree to provide notice to the City 5 working days before construction
- e. provide cost estimates for dedicated utility improvements
- f. provide material and equipment list for utility systems

At Applicant's request, City may defer Applicant's compliance with any of the foregoing requirements to a later date, if appropriate.

C-2. Storm Water and Erosion control: Prior to any clearing or grading, a storm water and erosion control plan shall be prepared by a qualified engineer in accordance with accepted professional standards and practice. All storm water produced due to on site development must be handled on site. There can be no net increase in site run off. The storm water erosion and control plan shall be submitted by the Applicant and approved by the City prior to the start of work. The Plan shall address all proposed clearing and grading. Erosion control facilities shall be in place prior to construction. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists. Erosion control facilities shall not be removed without City approval. City shall be notified of installation of all erosion control devices one full week prior to start of construction to allow for inspection.

NOTE: *No preliminary engineering is required for this short plat nor has any been done prior to preliminary plan approval. The apparent area of the town houses represents a MAXIMUM building foot print considering applicable set backs, requested variances, and the applicants intentions at this time. The area labeled townhouses on the preliminary plan is not a designed final foot print. Final plans and the final short plat shall demonstrate compliance with the storm water and erosion control plans prepared by a qualified engineer and accepted by the City. Compliance with storm water and erosion control plans may require smaller building footprints.*

C-3. Excavation and grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with applicable building codes.

C-4. Water Hookup(s) are not guaranteed based on this land use decision alone. The ability to use existing water hookups shall continue to be subject to all local and state law and any terms of the moratorium deemed applicable to such use.

C-5. Utility and access easements, survey, legal descriptions, shall be established and documented for recording by appropriate legal instrument with the Klickitat County auditor prior to commencing construction of same. All such easements shall be clearly depicted on the face of the MYLAR for recording final approval of the Short Plat. Topography shall be shown on the preliminary map to allow the city engineer to provide input on the service line design, location, and installation prior to start of work and recording of easements.

C -6. A Final site plan showing location and footprint of fully designed town houses shall be submitted prior to construction. This submittal shall confirm continued compliance with all required setbacks, conditions, assumptions made in the storm water control plan, and confirm compliance with standards listed in WSMC 17.28.010 C 1-9. The common access granted in accordance with town house standards 1-9 shall also provide access off 7th Street in accordance with State Highway access standards.

C-7. Building construction occurring subsequent to this application shall be in accordance with the provisions of applicable building (including: structural, plumbing, mechanical) and fire codes.

C-8. Compliance with other state and federal laws required: Issuance of local land use permit approval does not replace the need for any other state or federal permit that may be required. The city may require the applicant to verify compliance with other permit requirements prior to construction or final short plat approval.

C-9. A general Landscape Plan shall be developed, approved, and implemented by the *first planting season following ground disturbance*. The plan shall make provision

for temporary and permanent landscaping, and appropriate maintenance thereof, in a manner that will provide for an esthetically pleasing environment and provide for the stabilization of all denuded and exposed soils.

C-10. Construction materials and associated debris generated from construction activity shall be adequately controlled and contained upon the properties of the Short Plat. No debris or construction material may be allowed to rest or be stored on neighboring properties, public or private without express permission to do so.

C-11. Corner visibility shall be maintained at the junction of the driveway and 7th Street. Per WSMC 17.68.090, no sight-obscuring structures or plantings exceeding thirty inches in height shall be located within a twenty-foot radius of the intersection of the private driveways or and the public, county or state road. Trees located within twenty feet of any such intersection shall be maintained to allow ten feet of vision clearance below the lowest hanging branches.

C-12. Residential sprinkler systems are strongly recommended by the White Salmon Fire Chief.

Prior to Final Short Plat Approval:

C-13. Final grading and stormwater run-off calculations and assumptions for sizing of swale(s) and other engineered on-site storm water system(s) shall be provided to the City engineer for review and approval prior to final short plat approval.

C-14. All utilities infrastructure shall be placed underground as per WSMC 17.28.060.

The Applicant/Owner shall be responsible to construct all service lines connecting to the existing Wastewater Collector Mainline in 7th Street. Designated manholes and cleanouts as designed by the project engineer and approved by the Public Works Department for the Short Plats shall be installed and inspected by the city. Wastewater service laterals shall be stubbed out to each of the four (4) lots of the Short Plat and provided cleanouts as per approved design specifications. In no case shall a common trench for the placement of domestic water service and wastewater utilities infrastructure or service laterals be allowed. All wastewater service laterals shall be constructed/extended to each of the four (4) lots of the Short Plat within six (6) months of the date of approval of the Wastewater Service Application for this Project, unless an additional six (6) months extension is applied for and approved. Project design and construction shall meet the requirements and standards of the City of White Salmon and of the Washington State Department of Health as may apply. The Applicant/Owner shall be responsible to provide three (3) sets of "AS-BUILT" record drawings to the Public Works Department for all constructed wastewater utility infrastructure, and a signed statement from the project engineer confirming that the project was constructed as per approved engineering design.

When hookups become available the existing water meter will be replaced and relocated to 7th Street. A privately owned pressure reduction valve shall be installed and maintained along the private water service line.

C-15. All relevant requirements of the City's Short Subdivision ordinance shall be met and the final short plat shall be prepared in accordance with WSMC 16.12.050 (j) and other applicable law. The Applicant shall submit a final short plat prepared by a Washington registered land surveyor (including the required post construction survey for town house units) for approval by the City. The Applicant shall submit the final short plat as approved by the City to be recorded with the Klickitat County Auditor, this becoming a legal division of land.

C-16. All final improvement design and installation shall be approved by an engineer licensed in Washington prior to construction and installation of all improvements shall be approved by an engineer licensed in Washington and accepted by city inspection prior to final short plat approval.

C-17. The provisions of WSMC Chapter 17.28 R-2 Two Family Residential District shall apply to all development proposed for the Project Site. The Applicant/Owner shall pay particular attention to WSMC 17.28.010 (C, Items 1-9) criteria for townhouse buildings, and to WSMC 17.28.030 Density Provisions. Among these standards is the requirement that a post construction survey be completed prior to recording the final short plat.

C-18. At least two (2) permanently maintained off-street parking spaces shall be provided on the same Lot as the dwelling. The size and type of each parking space shall not be less than ten (10) feet wide and twenty (20) feet long, as per WSMC 17.28.050. No parking will be allowed along Jewett Blvd. nor will access from Jewett be permitted to continue. The curb cut at the existing point of access off Jewett Blvd. will be required to be removed and replaced with standard sidewalk by the applicant.

C-19. Addressing. All residential dwellings of the Short Plat shall have properly placed and appropriately sized minimum 4-inch high street address numbers attached to the street frontage side of the dwelling structure, or otherwise suitably placed so as to be readily visible from the street. Units shall be addressed off Jewett Blvd.

C-20. A waiver of opposition to future formation of a limited improvement district shall be signed and recorded by the applicant. The waiver shall be prepared on a form acceptable to the City Attorney and the terms of the waiver shall be in accordance with state law.

C-21. No further division of land in this short plat will be approved in any manner within a period of five years without the filing of a final plat. (RCW 58.17.060(1)).

Prior to Issuance of Building Permits:

C-22. All water and wastewater utility infrastructure and street access systems shall be constructed and approved by the project engineer and the Public Works Department, prior to the issuance of building permits for the proposed townhouses. Location of improvements and required easements shall be noted on the final short plat.

C-23. Streets, access driveways, and parking areas of the Short Plat shall provide for the following construction specifications:

- Ballast Base (1 ½” minus Rock) = 8.0” Depth
- Crushed Surface Top Course (¾” minus rock) = 3.0” Depth
- WSDOT Class “A” ACP Pavement = 3.0” Depth
- Driveway Access ROW = 16.0’ Width
- Driveway Travel Lane Paved Width = 12.0’

The applicant/owner’s consulting engineer shall provide the following upon completion of all street and/or access driveway construction work:

- Certification that he has inspected all construction work and that it complies with all approved and applicable city, county, state standards.
- Three (3) complete sets of as built record drawings and specifications showing the work as actually constructed.

C-24. All connection fees, impact fees and any other fees due to the City shall be paid when due and in any event, prior to the issuance of a building permit for each lot.

Enforcement of Conditions:

C-25. Final Short Plat shall be submitted to the City for review by City staff in a timely manner so that the final plat may be recorded within one year of the date of this Decision. If an extension appears necessary, Applicant shall make written request for an extension prior to the elapse of one year. The City may allow an extension, if appropriate. Submission of the final short plat shall be accompanied by a title report per WSMC Section 16.60.030.

C-26. Any request for amendment of the preliminary plat consistent with the Findings and Decision of the City Council, shall be submitted to the Planning Department within 45 days of the date of approval.

C-27. This Decision shall be recorded with the Klickitat County Auditor, at Applicant’s expense, and shall be binding on all owners of the Property, their transferees, successors and assigns.

C-28. The maximum extent of the variance approved by this decision is 15 feet from the right-of-way along 7th Street and 15 feet from the edge of right-of-way along Jewett Blvd.

The following Notes shall be placed on the Final Plat for WS-SP-2007-002:

- A. Fees Due: Connection and impact fees and all other outstanding charges due for this subdivision shall be paid prior to issuance of any building permits. The applicable fees shall be the charges in place and applicable to the development at time of building permit application, except as otherwise provided by applicable regulations.
- B. Utilities: An easement is hereby reserved to the utility provider, under and upon the exterior 6 feet at the front boundary lines of all lots for the installation, construction, repair, maintenance and operation of electric, telephone, TV, cable, water and sanitary sewer services. Alternate easement locations sufficient to provide adequate access for residential services will be accepted.
- C. Erosion Control: As part of any development or construction, the elements of the approved erosion control plan on file with the City shall be addressed and thereafter maintained.
- D. Townhouse lots and structures must be replaced in a manner consistent with final townhouse plat: Lots were approved at the size and dimension shown to accommodate dwellings and structures in accordance with the final town house plat on file with the city. All development and redevelopment shall be done solely in compliance with the final townhouse plat. If destroyed, all dwellings and structures shall be replaced in compliance with the Decision or be subject to land use review and approval and possible consolidation with adjoining land.
- E. Connection to water system: Building permits may not be issued within this short plat until evidence of a potable water supply is certified, except as provided by state law.

APPLICANT'S TESTIMONY: Michael Ilg , Portland, OR said he has been in the construction business for 30 years. His partner, Peter Nance, has worked with Terry Trantow over the past year on this project and with Dotty DeVaney through the most recent portion of the review process. The applicant would like to have the Short Plat taken care of so when their number comes up on the water waiting list they will be ready to go to construction. Mr. Ilg said he believes he is meeting the requirements of city and state law. The Stormwater Analysis requirement may make the building envelopes smaller, that is an unknown at this time. The townhouses will be approximately 2,000 S.F. in size with 3-bedrooms and double-car garages for each unit.

Comm. Smith asked the applicant how he is going to deal with the retaining wall encroachment. Mr. Ilg said he has retained legal council. The encroachment did not show up on his title report. He will be meeting with the neighbor after the PC meeting. There is not only an encroachment but the structure (of the neighbor's) does not even have any set back from the side property line. Chairman Smith asked if this project is pretty much water dependent. Mr. Ilg said yes, he hopes to have the building permits in place as soon as they get the approval for additional water hookups. Each townhouse will have a space for three cars to park (two in the garage and one outside on the pad). The two-car garage does meet the criteria of Municipal Code.

Comm. Spaeth asked if the depicted building envelope is at the maximum to make the project work. Mr. Ilg said because the State DOT standards would not allow them to access off of Jewett Blvd. and with his plans to have double-car garages; they are asking for a Variance for the front yard depth to be 15 feet by averaging the actual footage to the Jewett Street right-of-way. The PC has historically given a rear-yard depth from 20 feet to 15 feet. The access will be off of 7th Street and the requirement is to have addressing off Jewett Blvd. With the driveway & buffer on the south side of the town houses and the stormwater off 7th, there may be a constraint.

Comm. Spaeth asked if they had met with anyone regarding the Stormwater Analysis. Mr. Ilg said it looks feasible to have the stormwater collect on the 7th Street side, an engineered sub-surface system will be required. Dotty said the analysis must be done by a Washington Licensed Engineer.

TESTIMONY IN FAVOR – Terry Trantow said he is in favor of the project.

ALL THOSE OPPOSED – None

REBUTTAL or CLARIFICATIONS – None

The public hearing closed at 6:28 PM.

DELIBERATION: Comm. Spaeth said he likes the idea of adding the two-car garage as part of the Conditions. Mr. Ilg said it is already stated that there are double car garages and No Parking on the private access. He believes that takes care of the requirements of parking. Dotty DeVaney said Condition 18 describes the size of the parking spaces (10x20 feet). Comm. Spaeth was in agreement that Condition 18 covered the required parking.

A yard area setback in the city's ordinance is based on the yard depth. The 14 foot yard depth falls one foot short of the 15 foot corner side lot side yard width requirement. The lot is a parallelogram not a rectangle lot, the corners are not quite square. In order to accommodate an even amount of square footage so the applicant can comply with the 3,000 sf lot size for each lot, the full required side yard width on the corner will not fit. It is much more typically the case that you use a Variance to vary lengths, the dimensional type rather than overall lot sizes. It is 6.2 feet (versus 5 foot) on the west

side and just under the 15 ft on the other side. Dotty questioned, what is the purpose of the regulation that you are varying? Is the purpose still met? One of the primary things is added safety coming off of 7th Street. One foot will not alter safety conditions. Vehicular traffic will be off 7th Street and the townhouses will be addressed off of Jewett for emergency purposes. Dotty said she has no direct concern over safety.

Chairman Smith said he can not find any issues as far as the base application is concerned. Is the PC stretching the Variance requirements if they are to grant the Variance.? Comm. Spaeth said he does not have concern with the 7th Street Variance however, if the PC held the least front yard depth to 15 feet he would feel better . Comm. Willey said there is a side walk between the property and Jewett Blvd. Chairman Smith asked if there is enough precedence set by prior decisions based upon the proposed rear yard setback changes to Municipal Code. Dotty said the maximum variance is to a 15 foot yard depth. The Planning Commission has typically approved a 15-foot rear yard depth because the new zoning ordinance will state a 15 yard rather than 20 foot rear yard. It was also stated that because the regulation stipulates a yard depth rather than a set back the yard depth could be averaged. Comm. Willey said that this makes some sense because it is yard versus set-back. Dotty said the Zoning Ordinance does not speak to what is specifically a front or rear yard other than the yard between the front or rear property lines. The units will be addressed off Jewett based on input from emergency service providers. Typically Jewett would then be the front yard/front property line but with automobile access coming from 7th Street the function of the Jewett yard is really very similar to a back yard. The main issue is compatibility with adjacent development along Jewett. Other front yard depths in the area generally appear to range from 18-20 feet. Comm. Spaeth said he recognized that an argument could be made for averaging the yard depth but that to be more consistent with surrounding development he would like the 2nd and 4th units (2nd and 4th are called out because they are the closest two corners to Jewett) to be a minimum of 15 feet back from Jewett Blvd. property line versus the 13.81 and 13.84 feet.

Motion by Comm. Spaeth to forward a recommendation to the City Council for approval of Short Plat 2007-002 and Variance 2007-01 in accordance with Staff recommendation to corner yard set back and Variance with approval of a front yard depth such that is the minimum yard depth is 15 feet from the right-of-way of Jewett Blvd. in accordance with the front yard definition and allowance for projections provided for by WSMC. Motion seconded by Comm. Willey – motion carried 3-0.

Dotty will write up a final recommendation to City Council and have Chairman Smith sign it. Dixie said she will have the Ilg Short Plat on the consent agenda for June 20th to set a public meeting date in July before the City Council. It is unknown if the council chose to have their first meeting of July on the 3rd or the 5th since Wednesday is the 4th of July. Dixie will advise Dotty tomorrow. The item may be scheduled before City Council for the third Wednesday in July.

Meeting adjourned at 7:15 PM.

Respectfully Submitted by Dixie Walker, Associate Planner/PW Admin. Assistant

APPROVED AS TO FORM:

Chairman Don Smith

Vice-Chair Suzie Willey

Dated: _____

Dated: _____