

DRAFT Minutes
Stevenson Planning Commission Meeting
Monday, December 11, 2023
6:00 PM

Planning Commission Chair Jeff Breckel called the meeting to order at 6:06 p.m.

MEMBERS PRESENT PC Chair Jeff Breckel; Commissioners Davy Ray, Charles Hales, Auguste Zettler. Commissioner Anne Keesee was absent.

STAFF PRESENT Community Development Director Ben Shumaker, Planning & Public Works Assistant Tiffany Andersen

GUESTS PRESENT Dean Maldonado, FDM Development; Brad Kilby, Land Use Planner with Harper Houf Peterson Righellis, Inc.; Morgan Worthington, civil engineer from Harper Houf Peterson Righellis, Inc., Steffanie Simpson, President, Ecological Land Services.

PUBLIC PRESENT Mary Repar, Kristi V., Phillip W.

A. Preliminary Matters
Public Comment Expectations

PC Chair Breckel asked **Community Development Director Shumaker** to explain usage of online tools for remote participants: *6 to mute/unmute & *9 to raise hand. Commenters must raise their hand and be acknowledged by the Chair. Individual comments may be limited to 3 minutes. Disruptive individuals may be required to leave the meeting. Persistent disruptions may result in the meeting being recessed and continued at a later date.

Public Comment Period

(For items not located elsewhere on the agenda)

>Mary Repar wished everyone happy holidays. She commented the city's strategic plan should include maintaining what is in place. She filled out the recent survey regarding the Courthouse/Parks Plaza Project plaza project and stated she was glad it has been scaled down in scope. She requested a blue spruce be planted at the site to replace one removed years ago.

1. **November 13th, 2023 Minutes** Minutes from the November 13th, 2023 Planning Commission meeting were unanimously approved as presented upon a motion by **Commissioner Zettler**, seconded by **Commissioner Hales**.

B. New Business

4. **Shoreline Permit Request:** (SHOR2023-01 Rock Cove Hospitality)

a. Appearance of Fairness Disclosures

Shumaker explained and re-administered the Appearance of Fairness Doctrine due to the public hearing remaining open from the November 13th, 2023 Planning Commission meeting. The

Appearance of Fairness Doctrine is a rule of law requiring government decision-makers to conduct quasi-judicial non-court hearings and proceedings in a way that is fair, impartial and unbiased in both appearance and fact. Any conflicts of interest must be disclosed to ensure fairness and impartiality. Disclosures include any financial interest in the final outcome, any outside (ex-parte) communications made with any party of interest or anything else that could be construed as a conflict or affects any decision making.

Decision makers can be challenged by applicants regarding any perceived conflicts of interest. None of the Planning Commissioners present disclosed any ex-parte communications concerning the application, and none reported any financial conflicts or other matters that would impede a fair and impartial decision. There were no challenges by the applicant or the public.

b. Presentation by Staff

Ben Shumaker, Community Development Director explained the Planning Commission would be reviewing a shoreline substantial development permit. This is for projects that are within 200 feet of either Rock Creek, Rock Cove or the Columbia River. He provided background information on the Rock Cove Hospitality substantial development permit proposal before the Planning Commission and the Shoreline Master Plan zoning that affects it. He noted draft permit documents have been prepared and pointed to highlighted areas that need further review-environmental concerns and mitigation efforts, and public access within the southern portion of the site.

c. Presentation by Applicant

Brad Kilby provided additional information about the site's former usage, revised project proposal and the various issues that have delayed and affected its design. A number of reports and documents prepared by the applicant were presented in the meeting packet in response to agency concerns. He detailed information on the cost and structural needs of a bridge at the south end of the property to connect with an existing sidewalk. Morgan Worthington, a civil engineer with Harper Houf Peterson Righellis, Inc. shared information about pathway gradients and ADA accessibility along the proposed pathways. R Steffanie Simpson, President of ELS discussed environmental mitigation efforts, including shoreline vegetation plantings and an in-lieu payment to the Lower Columbia River Fish Enhancement Board to address the loss of public access. Commissioners raised a number of questions concerning public access, in-lieu mitigation payments, current easements and pathway locations. **Shumaker** stated he had suggested the applicants pursue the plat vacation process because it would

eliminate an interior lot line and address changes in public right of way easements.

d. Public Hearing was continued at 7:15 p.m.

1. Comments in Favor

No comments were received

2. Comments in Opposition

>Mary Repar commented on public easements. She requested all easements in the original plan be kept to provide more public access. She suggested an in-lieu payment could instead be made for mitigation within the City of Stevenson for the park, fairgrounds, or along the Stevens Lake (aka Rock Cove) walking path.

3. Comments Neither in Favor nor Opposition

Shumaker read into the minutes emails received from the Department of Ecology and Fish & Wildlife.

4. The Public Hearing closed at 7:38

Ben Shumaker, Community Development Director advised there were two decisions that could be made regarding the proposal. One would be to hold the record open, and continue the public hearing to address issues, or the PC could decide to approve the permit subject to the adoption of findings at a future meeting.

7:38 p.m

e. Commission Deliberation

An extensive conversation continued between Commission members regarding the project proposal concerning the original intent when the property was purchased, the change in easements, and the presence of buildings between the walking paths and the water as laid out in the current proposal. **PC Chair Breckel** expressed a balance needed to be struck between environmental considerations, commercial activity and public access. He pointed out the area is currently not providing any public access value. Following further discussion, **Commissioner Hales** motioned to approve the permit with conditions as drafted. **Commissioner Ray** seconded the motion. **Commissioner Zettler** objected and made a competing motion, stating discussion was still ongoing.

Recording ended at 8:06 p.m due to technical issues. Tiffany Andersen's notes are provided:

Shumaker explained payment in lieu options related to public access as a potential to address the ongoing discussion. PC Chair **Breckel** called for Point of Order related to the motions. **Shumaker** advised and **Ray** to rescinded his second. Hales original motion died for lack of a second. Hales introduced a new motion subject to all conditions as presented, with exception of condition #12 which was amended to add an "or" and entrust

final review to the shoreline administrator. **Ray** seconded new motion. Further discussion occurred.

Zettler proposed to continue discussion at the next meeting as he would like to discuss the history of easements, public access and the site plan. **Ray** and **Breckel** both seconded the motion (Only one second needed.) Further discussion occurred. **Zettler** asked to postpone any decision until next month meeting, pending resolution **Breckel** asked for clarification of expectations to come from delaying vote. **Zettler** does not believe the public has been served. Stated the public should weigh in on the unobstructed water front, which is currently granted. **Breckel** informed there was public comment at the public hearing for the Shoreline Permit proposal during the November 2023 Planning Commission meeting. **Shumaker** made one procedural comment-Reminded everyone to only propose one motion at a time. Informed them to vote up or down. **Hales** pointed out public record had been ventilated and waivers or payment in lieu was discussed prior. **Zettler** proposed small connection payment in lieu, as public access to the north and south is now less than presented in the original site plan. **Hales** informed the Shoreline Administrator is the entity to decide payment in lieu amount for the southern connection. **Zettler** believes the development is giving away access to public. Asked to put in additional consideration for value to determine the payment in lieu amount. (Commissioner **Zettler** requested additional in-lieu payment be considered to compensate for the reduction of public access on site.) **Hales** noted the access has been resolved except at the south of the property. **Breckel** asked for vote.

f. Decision

3 Yea - Breckel, Hales, Ray

1 Nay - Zettler.

Motion carries

Meeting resumed online at 8:28

5. Subcommittee Reports:

Updates from Subcommittee leads were received on:

Downtown Parking - Wintertime parking usage study underway. Results will be provided at the next meeting.

Annexation Policy - Hales indicates waiting on decision from City Council on the question of Annexation for utility connections.

D. Discussion

6. Planning Commission Work Plan: Scheduling the Upcoming Work based on City Council's Strategic Plan

PC Chair Breckel noted the Commission again did not have full attendance. It was agreed to wait until early January to hold discussion on the Commission's work plan for 2024.

7. Thoughts of the Month: -

Street Connectivity/Mixed-Use Development:

Shumaker provided details on how Street connectivity interacted with mixed use development. Findings from a study show it makes mixed use development feasible. The more interconnected the street network is, the easier it is to get to those areas. <https://www.cnu.org/publicsquare/2023/11/22/connected-streets-are-needed-support-mixed-use-study-reports> -

He shared other information on a new flood plain mapping project that updates information on the location of basins and the amount of water that falls in that area. The City will need to adopt the new regulations in order for homeowners in those areas to be covered through the federal flood insurance program. He noted very few homeowners in Stevenson are located in high risk flood areas.

Floodplains:<https://fema.maps.arcgis.com/apps/MapSeries/index.html?appid=40e7274ea63747ffb69f2aa5732d8e78>

8. Staff & Commission Reports:

Septic/Sewer Discussion

The subcommittee continues to meet. More specific recommendations are to be considered to be provided to the City Council.

Annexation

The committee will meet when the septic/sewer committee meetings are completed.

Parks Planning

A charette was held on December 7th to review a public involvement survey that asked for input on current and future park or greenspace usage. There were 203 responses received. Multiple agencies and coalition members that have interests in

parks participated. The parks planning project is on course to produce a draft parks plan by March 2024.

Trees

Carolyn Sourek, Stevenson Public Works Director is applying to the state Department of Natural Resources for grants to support tree related projects. Adopt-a-tree programs, funds for future maintenance needs, street tree management activities, planting new trees, etc. are all being considered.

Online Building Permitting

Fine tuning, internal roll-out to test system was successful. People can log in from anywhere and upload documents or make payments for building projects. It will go live in early January 2024.

E. Adjournment

Planning Commission Chair Breckel declared the meeting adjourned at approximately 8:45 at the request of **Commissioner Ray**.

Minutes recorded by Johanna Roe and Tiffany Andersen

Attachments:

- Ecology comments
- Fish & Wildlife comments
- Tiffany Anderson notes



Ben Shumaker <ben@ci.stevenson.wa.us>

001_Ecological Land Services_12082023.pdf

Tait, Meghan (ECY) <mtai461@ecy.wa.gov>
To: Ben Shumaker <ben@ci.stevenson.wa.us>

Mon, Dec 11, 2023 at 4:08 PM

Hi Ben,

Thanks for sharing and thanks for your hard work on this. I think their revised site plan and mitigation plan adequately address my comments. I do not have any further comments or questions.

Thank you,

Meghan Tait

Wetland/Shoreland Specialist

Shorelands & Environmental Assistance Program

WA Department of Ecology | Vancouver Field Office

(360) 210-2783 | meghan.tait@ecy.wa.gov



This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

[Quoted text hidden]



Ben Shumaker <ben@ci.stevenson.wa.us>

001_Ecological Land Services_12082023.pdf

R5 Planning (DFW) <R5.Planning@dfw.wa.gov>

Mon, Dec 11, 2023 at 5:08 PM

To: Ben Shumaker <ben@ci.stevenson.wa.us>, "Tait, Meghan (ECY)" <mtai461@ecy.wa.gov>

Hi Ben,

Regarding the in-lieu fee, is there a way to condition or track that the money is used towards a new project component vs. paying for a project that is already planned? This question came up in a slightly different context where someone asked if an in-lieu fee could cover something like increase project cost due to inflation. I would not support ILF funds covering part of a project that is already planned and instead encourage the funds to be used to add a *new* component to a project, such as incorporating additional plantings or enhancing a new riparian area. I briefly looked through the SMP and didn't see anything in the code that outlines this process.

I'm still struggling with the applicant using (potentially) unpermitted riprap to justify a functionally isolated buffer. If riprap was not present on site, is there any riparian vegetation that would otherwise be evaluated for impacts and mitigated through riparian enhancement? I see a few patches of vegetation that appear to be contributing to natural process, such as contribution of organic matter into the riparian and aquatic habitats. I understand that there are areas that have been mowed and maintained, but the functionally isolated buffer follows the riprap footprint and the riprap was constructed in a way that does not meet WDFW's standards. We would have encouraged native planting among the rock to offset impact and wonder if incorporating plantings would have made this area functionally connected, therefore changing the way impacts should be evaluated on site. I wish we had more clarity about the origins of the riprap to alleviate this unknown.

Thanks for considering these comments,

Amaia

**Amaia Smith**

(she/her)

Assistant Regional Habitat Program Manager

WDFW - Region 5

5525 S 11th St Ridgefield, WA 98642amaia.smith@dfw.wa.gov

360-839-3508

From: Ben Shumaker <ben@ci.stevenson.wa.us>**Sent:** Monday, December 11, 2023 2:43 PM

To: R5 Planning (DFW) <R5.Planning@dfw.wa.gov>; Tait, Meghan (ECY) <mtai461@ECY.WA.GOV>

Subject: FW: 001_Ecological Land Services_12082023.pdf

External Email

[Quoted text hidden]

Minutes Taken While Computer Lost Power

Shumaker explained payment in lieu and access plan.

Breckel called for Point of Order

Shumaker advised Ray to rescind second

Ray rescinded second

Hales introduced a new motion subject to all conditions as presented, with exception of condition #12.

Ray seconded new motion

Zettler proposed to continue discussion at the next meeting as he would like to discuss the history of easements, public access and the site plan.

Hales amended motion to exclude Condition #12

Ray and Breckel both seconded the motion

Zettler asked to postpone any decision until next month meeting, pending resolution

Breckel asked for clarification of expectations to come from delaying vote

Zettler does not believe the public has been served. Stated the public should weigh in on the unobstructed water front, which is currently granted.

Breckel informed there was public comment during the November Planning Commission meeting

Zettler was not present during previous meeting where public was made aware of updated site plan being voted on

Shumaker made one procedural comment – Reminded everyone to only propose one motion at a time. Informed them to vote up or down. Conditions are not presented at this point. Commission should have a chance to vote on conditions.

Hales pointed out public record had been ventilated and waivers or payment in lieu was discussed prior

Breckel recommended approving the permit with exception of connection to the south of the property

Hales suggested developing two alternatives

Shumaker suggested to adopt by modifying to add A or B – subject to shoreline

Hales modified motion to subject of determination by Shoreline Administrator

Zettler proposed small connection payment in lieu, as the public access to the north and south are less than believed

Hales informed the Shoreline Administrator is the entity to decide payment in lieu amount

Zettler believes the development is giving away access to public. Asked to put in additional consideration for value to determine the payment in lieu amount.

Hales believes the access has been resolved except at the south of the property

Shumaker advised plat vacation is still to be considered

Breckel asked for vote

3 Yay – Breckel, Hales, Ray

1 Nay – Zettler

Motion carries

Subcommittee Reports read. Wintertime parking usage study underway. Results will be provided at next meeting

Hales indicates waiting on decision from City Council on the question of Annexation for utility connections.

8:28pm Zoom came back online

MEMO

December 11, 2023

Post Meeting Zoom Conversion

The City of Stevenson staff is missing the Zoom recording of the Planning Commission meeting held December 11, 2023. Because the primary computer was not functioning prior to the start of the meeting a laptop was used. After getting a low battery notice at 8pm, staff plugged the laptop in to charge. At 8:11PM, the backup laptop lost power completely. Staff thereby lost the ability to record and communicate with Zoom participants at that point. During this point our Zoom conversion was corrupted, and we were unable to convert the media files necessary to play back and/or add to our website for public record.

Part 2 of the conversion was converted successfully. We ostensibly lost most of the recording up to the laptop dying. There has been no recording found on Zoom, nor in the laptop's drive(s) to recreate the recording or convert successfully.

Staff began taking minutes once the meeting ceased recording when the laptop lost power. There is no recording of anything prior to the laptop losing power.

We will gather minutes from the official notes taker, Johnna, and merge them with the ones taken from the point of the loss of power to adjournment.

Tiffany Andersen

Planning/Public Works Asst

City of Stevenson