

City of Stevenson Planning Commission
City Hall
July 11, 2016
6:00 PM

Planning Commission Members present: Scott Anderson, Valerie Hoy-Rhodehamel, Shawn Van Pelt, Chris Ford. Karen Ashley

Staff present: Ben Shumaker, Ken Woodrich

Public Present: Mary Repar, Steve Morasch, Kristin French, Cathy Sawyer, Rick Leavitt

Call to Order - 6:00 PM

Preliminary Matters

- 1. **PUBLIC COMMENT OPTION:** Chair selected Public comment Option #1
- 2. **MINUTES:** Minutes were not available for review.

New Business

3. **SUBDIVISION VARIANCE PROPOSAL PUBLIC HEARING 6:04 PM** VAR2016-01
Potential removal of Condition #8 of Chinidere Mountain Estates preliminary plat approval.

- a. Review Purpose of Meeting
WOODRICH discussed the purpose of the Public Hearing as adjudicative session wherein the Commissioners will be making their decision, based on the facts on record. He explained their decisions cannot be based on speculation, hearsay or anywhere outside of public record. He added anything submitted by proponents must be fair, impartial and requires disclosure of any information received off the record and Commissioners may have no personal interest and be able to render a fair and impartial decision.
- b. Appearance of Fairness Disclosures
WOODRICH addressed the Commission as a panel and asked if any members had received any ex parte communication related to the application and asked any Commissioners to disclose the nature of any communications they had engaged in. **FORD** announced he was on City Council at the time of the original Chinidere application. **WOODRICH** commented his participation related to the original proposal and he had not had any ex parte communication regarding the variance before the Commission at this meeting. **FORD** confirmed. **ANDERSON** disclosed he met with **SHUMAKER** as staff, in relation to the proceedings of the Public Hearing on the variance.
WOODRICH asked any Commissioner to disclose if they have any property or financial interest, which may be affected, by their decision at this meeting.

HOY-RHODEHAMEL commented any homeowner in Stevenson may be positively or negatively impacted by this decision and asked for clarifying examples of financial or property interest. **WOODRICH** and **SHUMAKER** cited hypothetical examples to illustrate potential conflicts. **VAN PELT** disclosed he is a building contractor, soon to be restaurant owner and owns properties in Stevenson. **WOODRICH** asked proponent(s) if they opposed **VAN PELT** participating in hearing the application. Proponents announced they had no objections to **VAN PELT** adjudicating the proceeding. **WOODRICH** acknowledged Commission had no appearance of fairness disclosures which would prevent them from making an impartial decision and asked Proponents if they objected to the panel. Proponents had no objections.

c. Presentation by Staff

SHUMAKER introduced the variance proposal and hearing was to consider a request by Chinidere to remove condition #8 of their preliminary plat approval which requires selling or building on 80% of each building phase must be completed before next phase may begin. He discussed the sale history of the project and how the development currently divided between 2 owners and both owners asking for removal of condition. **SHUMAKER** read the condition, as worded when city council approved this preliminary plat in 2/2006. He then discussed the language which was added after appeals by neighbors and proponent at the time which modified Condition #8. He highlighted SMC16.38.010 which includes the substantive findings, to grant or deny a variance request. **SHUMAKER** pointed out the 5 clauses and their finding of fact. He discussed how the 80% build-out condition is not supported in any City code and was developed for this project only and the variance requested would remove any 80% build-out conditions from their final plat approval, which would be presented to City Council for approval.

HOY-RHODEHAMEL asked how the standard was developed, because she was not a resident of Stevenson at the time the project was approved. **WOODRICH** discussed his recollection of the circumstances which led to the condition of phasing timing for the project. **WOODRICH** offered the opportunity to the proponents in attendance, to present their case and reason for requesting the variance.

d. Presentation by Applicant

FRENCH, attorney representing the applicant, provided background and history of the project, which led to condition #8. Her firm reviewed Planning Commission public records to identify concerns which led to the condition. Their assessment was the condition was developed in response to concerns over 1. Disturbing the land and then leaving it idle or 2. If the project were constructed too fast, there may be negative impacts on nearby neighborhood(s). After review, she explained there is no basis in current City code to support the 80% threshold and asked the phased project be allowed to continue as a whole, and without the artificial cap. She stated the community will be best served without the artificial cap, and allowing the removal of special condition #8 remains in full compliance with current code, repeating there is no basis for the condition in current City code.

e. Planning Commission Discussion

WOODRICH asked why phasing was sought originally. **FRENCH** said in researching the historical notes, they could find no compelling reason for the condition. **VAN PELT** asked if the developers now planned to build the whole project in one phase. **FRENCH** explained a phase I, phase 2/3 and final phase 4 timeline. **ANDERSON** asked what kind of activities are involved and **FRENCH** confirmed the condition was modified to allow for construction of infrastructure activities, not including roads, however they would ask the roads be allowed to make later phases accessible. **MORASCH**, of Landerholm Law Firm, representing Chinidere LLC commented he was co-counsel with Brad Anderson during the 2005/06 project and added his general recollection was there was a desire to phase construction of the project to control costs and cash outlay. His recollection of the City's perspective was mostly over concerns about absorption of the newly constructed units, disturbance of the land with the possibility the project might remain vacant and those concerns made more sense in 2005. He said the hardship to his client is, if the condition remains, his clients phase is under separate ownership and indefinitely on hold because it is tied to phases 2 and 3. **ANDERSON** confirmed his understanding of the hardship offered. **MORASCH** then commented there is no code to support the condition and it hasn't been applied to any of other similarly situated projects and asked to be given the same consideration as any other subdivisions in the city, acknowledging the concerns were valid in 2005 but how circumstances in the housing markets have changed.

WOODRICH reviewed the project map to clarify phase 4 boundaries and asked if phase 2, 3 and 4 could be developed simultaneously and **Morasch** and **French** both agreed, that would be a possible timeline. **FORD** inquired if financing the phases through their sales was no longer a concern to the project. **FRENCH** commented, under the new dual ownership of the project, financing was no longer a concern to the project.

ANDERSON commented on the quick progress and abandoned subdivision is, currently, a city blight. He added the artificial cap was likely put in place in response to concerns over empty sites waiting for something to happen. Ms. French responded by reporting the project has been carefully analyzed and her client believes now is the right time and place to complete the project correctly, with a qualified developer. She added, the primary need to develop the project in a cost effective manner is the biggest reason for requesting the variance and her client believes strongly, it can be done correctly without the artificial cap.

ANDERSON asked the applicants if they wanted to allow additional public comment. **MORASCH** and **FRENCH** agreed to allow public comment. **Repar** asked if the variance has to be approved by City Council. **WOODRICH** answered, Council does not approve the variance but will approve the final plat.

ANDERSON asked **SHUMAKER** if now is the time to discuss project egress. **SHUMAKER** said no, there was a traffic study completed during preliminary plat approval, which did not result in the City or WSDOT requiring turn lanes or other improvements. He added it was not a part of the variance request before the Commission at this meeting.

VAN PELT asked **SHUMAKER** if the Commission was making a direct yes or no vote, or if changes could be made to the conditions. **SHUMAKER** presented and discussed his draft findings of fact and explained the Commission can make any adjustments with reasonable “reason why” based on facts presented.

ANDERSON closed the public hearing 6:45.

VAN PELT commented how the sales of phases 1-3 to another developer, and subsequent dual ownership, is the primary cause for the request for the variance.

- f. Findings of Fact There was general discussion about the findings of fact(s), community reaction to the project at the time, the rise in new construction in the surrounding neighborhoods, roads and traffic concerns.
- g. Recommendation
VAN PELT motion to adopt staff finding of facts and allow removal of condition #8.
FORD 2nd motion.
Unanimous approved

- 4. **PUBLIC COMMENT PERIOD REPAR** commented Chinidere was a contentious development when it was originally proposed. She added she doesn't believe any of the conditions of their development agreement should be changed and any purchasers of the property should have done their due diligence and known what they were getting into. She feels the addition of 80+ homes planned for the development will have a detrimental effect on the quality of life in Stevenson, specifically the additional traffic associated with new residents. She continued to discuss how build-out and in-fill restrictions were put in place to insure each phase is completed before the next is undertaken. She summarized to urging the Commissioners to not approve the variance under consideration.

5. **SHORT PLAT PROPOSAL SP2016-01 REMI SHORT PLAT**

SHUMAKER explained how City code provides Commission members the opportunity to review and comment, whenever a short plat (a division of land of 4 lots or fewer) has been submitted. **SHUMAKER** discussed the previous construction and sale history of the 4 existing condos on the site. There was general discussion about development of the site. **ANDERSON** inquired if any easements were a part of the proposal. **SHUMAKER** answered notices were only recently sent out and the full proposal has not been reviewed, but any Commission comments on short plat applications could be included in the decision making. **ANDERSON** asked if the review process includes considerations such as sidewalks, lighting, proper street widths. **SHUMAKER** explained the City Public

Works Director will review and sign off on the final land division, he's attesting roads, sidewalks, etc are adequate to accommodate the subdivision. **HOY-RHODEHAMEL** asked when we will know when Stevenson's sewer plant has reached its maximum load capacity and subdivision applications could be impacted. **SHUMAKER** explained the Water and Sewer Plan updates that are underway but he was unable to provide a timeline.

Old Business

6. **ZONING CODE REFORMAT: Density & Dimensional Standards, Signage, Landscaping, Parking**

SHUMAKER gave an update on the Zoning Code Reformat, and discussed Dimensional Standards, and specifically, interpreting corner lot setbacks code language and recommended new language to clarify the intent of the rule. He talked about height limit allowance in 2 districts had different review methods and noted this might be a place where Commissioners may want to take action in the future to make the review process consistent. He discussed revised and more simplified language, to address parking and signage. He previewed Use Tables in the revised format.

7. **DOWNTOWN PLANS REVIEW**

FORD presented his review of the same downtown plan reviewed by **ANDERSON** at the previous Planning Commission meeting. He commented how the Skamania Development Commission performed the plan, and commented on the the comparison between Hood River and Stevenson in some areas. He added traffic in downtown was discussed in the plans as well as the impact of the move of Bonneville when the 2nd powerhouse at Bonneville Dam was constructed. He commented on Washington and Oregon grocery shopping phone survey results in 1975, closely mirrors peoples current shopping habits, noting how fees to cross bridge of gods and sales tax had an impact on shopping habits of Cascade Locks residents shopping in Washington. He added the study did not include any mention access to medical services.

ANDERSON presented his review findings of the 1999 draft development standards and guidelines. He discussed how in the 1999 report, the Design Commission talked about Zones 1 and 2 and he read document language regarding commercial development in downtown. He commented on awning standards, streets and public spaces uses. He repeated the definitions of Zone 1 as primarily retail with Zone 2 as a supporting commercial zone, and gave locations of each zone. He discussed a few other similarities to modern community feedback on traffic control, storefront standards and pedestrian crosswalks.

SHUMAKER asked Commissioners if they found value in the exercise and all Commission members confirmed they enjoyed the review exercise.

ANDERSON commented on changed parking in White Salmon and explained the City changed the direction of the parking spaces where cars will now back-in to spaces by on their main street.

Staff Reports

8. COMMISSIONER AND STAFF REPORTS

2nd Street Construction Update - **SHUMAKER** reported daytime road work at the East end of town, Chinidere is finishing up waterline tie-in. WSDOT will be paving Hwy 14/2nd street, after failed chip sealing.

Stop Sign Removal on 1st Street Update - **SHUMAKER** reported City Council did not rescind their vote to remove stop sign and sign may be removed by Aug. 3, 2016.

ASHLEY asked if there will be speed bumps installed. **SHUMAKER** commented there may be additional signage and additional flashing Ped Xing/EMS services and said researched options will cost over \$19,000.00.

Final Farm Animal Ordinance Update - **SHUMAKER** reported the City Council voted to pass the Farm Animal Ordinance, as submitted by the Commissioners.

Subdivision Code Amendment Update - **SHUMAKER** reported City Council adopted an amendment to the subdivision code and adopted provisions to allow the City Council to grant extensions.

Stevenson Vet Clinic Parking Lot Update - **ASHLEY** reported she received a final estimate on repairing the parking lot at her veterinary clinic. The estimate is now over \$160,000.00 to the damage done by a City water pipe leak.

Discussion

9. THOUGHT OF THE MONTH: LEADERSHIP

ANDERSON discussed a personal meeting he had with Skamania County Port Commissioner Todd Kingston. He discussed how the primary topic of their discussion was about being a public servant and handling community backlash for making unpopular decisions on sensitive topics. He reminded the Commissioners they are regularly put into similar political situations. He urged the Commissioners to make sure they have heard enough facts until they were comfortable making a sound decision on any matters and to stay strong once they have.

ASHLEY praised staff for the new signage hand-out. **HOY-RHODEHAMEL** commented she had heard complaints about the signage process asked what the process is for business signage. **SHUMAKER** explained the application process and documents in detail, including signage dimensions and variances and explained where the process can be perceived as problematic.

ANDERSON adjourns Planning Commission meeting at 8:40 pm.

Approved _____; Approved as Amended _____

Scott Anderson, Chair

Date:

Minutes by Jennifer Anderson