



City of Stevenson Planning Department

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TO: City Council
FROM: Ben Shumaker
DATE: October 20th, 2016
SUBJECT: Remi Short Plat Appeal (SP2016-01)(APL2016-01)

Introduction

This memo informs the City Council an appeal of staff's Summary Determination of Compliance for the Remi Short Plat proposal at Tax Lot 03-07-36-3-4-5800 near the intersection of Jefferson Avenue and Lasher Street. The decision was issued on September 9th, 2016 and the timely appeal was received on October 6th, 2016, challenging 4 conditions of approval.

The City Council has 2 options regarding the processing of this appeal:

- 1) Hear and decide on the appeal itself according to SMC 16.02.170, or
- 2) Assign responsibility for hearing the appeal to the Hearing Examiner under SMC 2.15.

Background

The City Council option to use a Hearing Examiner for adjudicative land use decisions was adopted in 2015, and provides:

“After consultation with the Planning Director, the Council may, in its discretion, elect to use the Hearing Examiner in lieu of the Council, Planning Commission, or Board of Adjustment for adjudicative land use proceedings. Except with regard to decisions below, code provisions relating to the Council, to the Planning Commission, or to the Board of Adjustment as an adjudicative body (including on remand) shall be construed as including the alternate use of the Hearing Examiner, where applicable.”

The municipal code contains no other guidance on when to send appeals to the Hearing Examiner, but the recitals prior to the ordinance's text note that the optional use of the hearing examiner is to address occasions where "...the Council may have reason to question the ability of the Council, Planning Commission, or Board of Adjustment to fairly adjudicate a land use matter..."

Since the creation of the Hearing Examiner position, the City has received, and the Hearing Examiner has heard, 1 appeal, and the City Council must now decide if it has reason to again question its ability to adjudicate this appeal.

If the Council decides to hear this appeal itself, a date should be set for the open record appeal.

Prepared by,

Ben Shumaker
Planning Director