

DRAFT MINUTES
Stevenson Planning Commission Meeting
Monday, August 08, 2022
6:00 PM City Hall

In Person: Attendees at City Hall followed current CDC and State guidance regarding use of masks, social distancing, and attendance.

Planning Commission Chair Jeff Breckel called the meeting to order at 6:00 p.m.

Attending: City Development Director Ben Shumaker; Planning Commission Chair Jeff Breckel, Commissioners Auguste Zettler, Davy Ray, Charles Hales, Anne Keesee.

Public attendees: Eric Eisemann

A. PRELIMINARY MATTERS

1. Public Comment Expectations:

Community Development Director Ben Shumaker advised participants must raise their hand and be acknowledged by the Chair. Individual comments may be limited to 3 minutes. He explained the tools to use for remote participants: *6 to mute/unmute & *9 to raise hand.

2. Public Comment Period: (For items not located elsewhere on the agenda)

No comments were received.

3. Approval of Minutes: July 11th & 18th, 2022 Planning Commission Meeting Minutes

MOTION to approve minutes with corrections from the July 11th, 2022 Planning Commission meeting; and minutes from the July 18th, 2022 Planning Commission Meetings as presented was made by **Commissioner Zettler**, seconded by **Commissioner Ray**.

- Voting aye: **Commissioners Breckel, Ray, Keesee, Hales, Zettler**

B. NEW BUSINESS

Planning Commission Chair Breckel amended the agenda to move item 6 to the top of section B., New Business.

6. Conditional Use Permit Review: (CUP2022-03 City Waste Water Treatment Plant Expansion)

An Appearance of Fairness Doctrine was asked of all the Planning Commissioners by **Community Development Director Ben Shumaker**.

The Appearance of Fairness Doctrine is a rule of law requiring government decision-makers to conduct 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 disclosed any ex-parte communications concerning the application, and none reported any financial conflicts that would impede a fair and impartial decision. **Commissioner Hales** reported he was **Public Works Director Carolyn Sourek's** stepfather. **PC Chair Breckel** determined no conflict of interest existed. No challenges were made.

Eric Eisemann, representing Wallis Engineering, spoke about the plans for the WWTP. The project involves construction of an aeration (blower) building. As it was larger than 500 sq. ft, a conditional use permit was required.

The WWTP is in the Public Use and Recreation Zoning District (PR). One purpose of the PR district is to provide space for utility programs and services demanded by the community. (SMC 17.35.010) County, city, or state public works facility, support buildings and structures, shops and yards are permitted (P) uses in the PR zone. Building additions to county, or city public works facilities that would increase gross floor area by more than 500 square feet or lot coverage by more than 20% are classified as a conditional use. (Table 17.35.040-1 Public Districts Use Table)

PC Chair Breckel opened the public hearing at 6:20 p.m.

No comments were received.

The public hearing was closed at 6:22 p.m.

Commissioner Hales suggested using the periodic review process to ensure an appropriate landscape planting was in place.

Findings of Fact:

1. The Planning Commission reviewed the application for a Conditional Use Permit after a duly advertised public hearing on August 8th, 2022.
2. The applicant paid the required application fees.
3. The proposal allows for continuance of a long-standing use and process improvements to a Public Works Facility by adding a new ~1,150 sf blower building.

Conditions of Approval

1. This Conditional Use Permit shall be valid only for the proponent at the location above.
2. Noncompliance with the conditions of this permit shall render this Conditional Use Permit invalid.
3. The proposal shall be subject to periodic review by the Planning Commission to ensure the terms of this permit are being met, determine whether changes to these terms are warranted, and to verify satisfactory longevity of the proposal.

Conclusions of Law

Based on these findings and conditions, the Planning Commission is satisfied that this Conditional Use proposal:

1. Will not endanger the public health or safety;
2. Will not substantially reduce the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is located; and
4. Will be in conformity with the comprehensive plan, transportation plan, or other plan officially adopted by the council.

MOTION to approve CUP2022-03, City Waste Water Treatment Plant Expansion permit, was made by **Commissioner Zettler**, seconded by **Commissioner Hales**.

- Voting aye: **Commissioners Breckel, Zettler, Keesee, Hales. Commissioner Ray abstained.**

4. Zoning Interpretation: Personal Services in the R3 Multi-Family Residential District

Community Development Director Ben Shumaker explained the reason behind the zoning interpretation contained in the meeting packet. The use table adopted at SMC 17.15.040 did not contemplate whether Personal Services uses, in this case a salon, would be compatible in residential districts, including the R3 Multi-Family Residential District. The Planning Commission was asked to address this unintentional omission to determine whether the use would have been permitted had it been contemplated and whether it is compatible with the other listed uses in the district.

Commissioners held an extensive discussion on the issue, with much of it centered on long term implications of conditional uses allowed in the R3 zone. The general concern involved the volume of possible conditional uses eroding the availability of residential properties for multi-family uses. It was agreed to limit the scope of the current discussion to Salon uses from the broader Personal Services category. It was also agreed that holding further discussions on developing alternative overlay or transitional zones between residential and commercial districts would be appropriate.

Findings of Fact:

- 1) The Salon use is consistent with the purpose of the R3 Multi-Family Residential District;
- 2) Salon uses are of the same general character as the principal and conditional uses authorized in the R3 District;
- 3) Salon uses are not being considered as customarily incidental to other uses of property.

Interpretation

In the R3 Multi-Family Residential District, Salon uses satisfy the criteria of SMC 17.12.020(C)(1 & 3).

MOTION to approve the amended zoning interpretation for Personal Services in the R3 Multi-Family Residential District was made by **Commissioner Hales**, seconded by **Commissioner Keesee**. Prior to the vote an amendment to the initial Findings of Fact striking 2) Personal Services uses are expressly allowed in a less restrictive district than the R3 District; and changing the text from Personal Services in items 1, 3 and 4 to Salon was agreed to.

- Voting aye: **Commissioners Breckel, Zettler, Keesee, Hales, Ray.**

5. Conditional Use Permit Review: (CUP2022-02 Salon Building Ownership Change)

Community Development Director Ben Shumaker provided a brief background of conditional use allowances and current request. Prospective purchasers of 421 SW Rock Creek Drive (02-07-01-1- 0-1601) are requesting the Planning Commission allow the current tenant continued use of the property in question as a salon following the change of ownership. The current use was permitted by the Planning Commission in 2011 as a "Professional Office (Salon)" and limited the permit to the current owner.

Appearance of Fairness Doctrine disclosures were conducted by **Shumaker**. No Commissioner stated any financial interest, ex-parte communications or any other potential conflict of interest. No challenges were received.

PC Chair Breckel opened the public hearing at 7:40 p.m.

No comments were received.

The public hearing closed at 7:45 p.m.

Findings of Fact:

1. The Planning Commission reviewed this application for a Conditional Use Permit after a duly advertised public hearing on August 8th, 2022.
2. The applicant has paid the required application fees.
3. The proposal allows for continuance of a long-standing use of the subject property which has been subject to conditions and remained in harmony with the neighborhood.

Conditions of Approval

1. This Conditional Use Permit shall be valid only for the applicant at the location above.
2. Noncompliance with the conditions of this permit shall render this Conditional Use Permit invalid.
3. No outdoor speakers shall be installed in conjunction with this conditional use proposal.
4. Individual signs related to this proposal shall be limited to that allowed in SMC 17.15.
5. The use shall retain at least seven (7) off-street parking spaces in compliance with SMC 17.42.
6. The proposal shall be subject to periodic review by the Planning Commission to ensure the terms of this permit are being met, determine whether changes to these terms are warranted, and to verify satisfactory longevity of the proposal.

Conclusions of Law

Based on these findings and conditions, the Planning Commission was satisfied that this Conditional Use proposal:

1. Will not endanger the public health or safety;
2. Will not substantially reduce the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is located; and
4. Will be in conformity with the comprehensive plan, transportation plan, or other plan officially adopted by the council.

MOTION to approve Conditional Use Permit #2022-02 with references to 'personal services' changed to 'salon' was made by **Commissioner Hales**, seconded by **Commissioner Zettler**.

- Voting aye: **Commissioners Breckel, Zettler, Keesee, Hales, Ray.**

C. OLD BUSINESS

7. Thought of the Month:

Community Development Director Ben Shumaker shared information on the consolidated permitting process, citing instances of where it could help with transaction costs and reduce staff time.

8. Staff & Commission Reports:

Community Development Director Ben Shumaker provided information and updates on the following items:

- Capital Facilities Planning/Comprehensive Plan Amendment public meeting. Additional public involvement is being sought. A public hearing will be held by the Planning Commission and the City Council. More information will be provided in September.
- Shoreline Public Access & Trail Plan. Request for Qualifications are being submitted for a consultant to proactively develop plans for public shoreline access. The work is funded by a grant from Washington's Department of Ecology.
- Downtown Parking. Pricing of various projects ranging from low cost (re-striping) to more expensive options (moving hydrants, developing a municipal lot) is taking place. A possible ordinance allowing buy out of the on-site parking requirement may be coming before the Planning Commission.
- Developing a project calendar for the Planning Commission will take place following the City Council's completion of their strategic plan. Priorities already identified include housing and parking.

D. DISCUSSION

Commissioner Ray shared information on election results. **Commissioner Breckel** thanked the Commissioners for the discussions held that evening.

E. ADJOURNMENT

Planning Commission Chair Breckel adjourned the meeting at 8:00 p.m.