

CITY OF STEVENSON
SMC 18.08 – Shoreline Management

Regarding a request by the FDM Development to construct Phase 1 of a mixed-use hospitality development offering condo- and studio-sized units and commercial venue space. Phase 1 involves up to 16 condo-style units, operated by a single ownership group, similar to a hotel, associated parking, utilities, and other sitework. Project is located in the Urban Shoreline Environment Designation adjacent to Rock Cove in Section 1 of Township 2, Range 7, E.W.M, City of Stevenson, Skamania County, Washington, 98648.

SHORELINE
SUBSTANTIAL
DEVELOPMENT PERMIT
June 18th, 2020

PROPOSAL: The applicant proposes to construct a mixed-use hospitality development adjacent to Rock Creek Cove on the former Hegewald Lumber Mill Site in Stevenson, WA. The project seeks to complement the existing tourism industry in Stevenson by offering condo- and studio-sized units available for nightly and weekly rental, totaling 48 available bedrooms. A 15,000 square-foot commercial venue space will anchor the development and provide wide views of Rock Creek Cove and the Columbia River Gorge. The conceptual space planning of the commercial building consists of 5,000 open venue space, supported by 10,000 square feet of service, food preparation, and guest lounging area. The development seeks to attract both local and regional visitors, with venue space available for weddings, company parties, family reunions, and corporate retreats. The Applicant proposes a three-phased development, beginning with the condo-style units, operated by a single ownership group, similar to a hotel. Phase 2 will add the commercial venue space and restore waterside portions of the property for enhanced, publicly-accessible observation and enjoyment. Phase 3 completes the development with the studio-sized units, operated under the same ownership group as the remainder of the property. The request for a Shoreline Substantial Development Permit relates to Phase 1 only.

LOCATION: The site address has not yet been assigned for this location adjacent to SW Rock Creek Drive containing shorelands associated with Rock Cove (Stevenson Lake) a designated shoreline of the city. The site includes 3 legal lots assigned Tax Lot Numbers 02-07-01-0-1302, -1303, and -1304 by the County Assessor.

ELEMENTS: Economic Development, Public Access, Recreation, Shoreline Use, Conservation.

USES: Commercial/Industrial Development (Hotels, Motels, Condominiums).

KEY ISSUES: Public Access, Restoration, Construction and Operations, Scenic Vista and View Protection Regulations, Economic Development, Public Access, Circulation, Recreation, Shoreline Use, Conservation, Historical/Cultural.

APPLICANT: FDM Development
Zachary Pyle

Owner: Erwin L & K, LLC & OPH DBD, LLC &
Rawlings Family Investments, LLC

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CITY STAFF: Ben Shumaker Leana Kinley Scott Anderson
Shoreline Administrator City Administrator Mayor

BACKGROUND: The proposal occurs on 3 tax lots associated with 3 legal lots within the City of Stevenson. Prior to about 1975, the site had been developed as a veneer mill. The site has been vacant since the millwork was halted and the buildings removed. Prior to about 2019 the site had been owned by Skamania County. While under county ownership, the site served as an overflow parking area, an informal compost site, and an informal public non-motorized boat launch to the waters of Rock Cove. This proposal is the first reviewed by the City since the county transferred ownership. The proposal is subject to this review pursuant to the Shoreline Management Act of 1971 and other City development regulations (e.g., Critical Areas, Zoning, SEPA, etc.).

STANDARDS, FINDINGS AND CONCLUSIONS

SMC 18 – ENVIRONMENTAL PROTECTION

Title 18 of the Stevenson Municipal Code is separated into three chapters. Chapter 18.04 considers the City's procedures under the State Environmental Policy Act (SEPA). This Chapter is referenced based on previous, administrative reviews. Chapter 18.08 addresses Shoreline Management and, together with the adopted Shoreline Management Master Program, is the focus of this review. Chapter 18.13 focuses on Critical Areas and Natural Resources Lands and involves administrative review related to this project's location along a riparian habitat area. This chapter is referenced several times, but no findings or conclusions are incorporated herein.

SMC CH. 18.04 ENVIRONMENTAL POLICY

This chapter considers whether projects are likely to have a probable significant adverse impact on the environment, requiring agencies to evaluate actions before they are taken. The chapter is separated into 11 articles covering various permitting and project review actions. Only 2 articles are relevant to this proposal as more fully discussed below.

CRITERION §18.04 ARTICLE III CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS This article adopts Washington Administrative Code (WAC) sections related to the applicability and review process for projects under SEPA.

CRITERION §18.04 ARTICLE V COMMENTING This article adopts Washington Administrative Code (WAC) sections regarding the acceptance and issuance of comments for proposals reviewed under SEPA.

- FINDING(S):
- a. The SEPA Responsible Official issued a "mitigated determination of nonsignificance" (MDNS) on 6/3/2020 for City File # SEPA2020-02.
 - b. The MDNS contained 16 mitigation measures which the proponents must satisfy to ensure the project will have no probable significant adverse environmental impacts.
 - c. The City received timely comments on the threshold determination from the Washington State Department of Transportation (WSDOT), Washington Department of Ecology (Ecology), and Washington Department of Archaeology &

Historic Preservation (DAHP).

d. Comments from WSDOT request a traffic impact study and traffic mitigation measures if the study identifies reduced levels of service state routes.

e. Comments from Ecology request clarification of the project site plan, phasing plan, habitat buffer mitigation, and landscape plantings.

f. Comments from DAHP acknowledge much of the grading will occur in the site's imported fill areas and request submittal and implementation of a cultural resources monitoring plan for excavations into native soils.

CONCLUSIONS OF LAW: This project will comply with SMC 18.04 upon satisfaction of mitigation measures adopted in SEPA2020-01 and the comments received and incorporated herein for convenience as conditions 1.1 through 1.16, 2 and 3 below, as well as other conditions contained herein.

CONDITIONS:

1. Prior to the Start of Construction the proponent shall incorporate and/or address all mitigation measures associated with the Mitigated Determination of Nonsignificance issued under the State Environmental Policy Act, City File # SEPA2020-01:

1.1. The design and construction of water connections, streets, street lights, stormwater drainage systems, and site grading and erosion control plans shall be in accordance with the City of Stevenson Engineering and Construction Standards.

1.2. Construction dust shall not become a nuisance to neighboring or down-wind properties; dust control shall comply with all applicable standards of the Southwest Washington Clean Air Agency (SWCAA), especially SWCAA 400-040. Contact SWCAA at 360-574-3058 for more information.

1.3. Project construction shall not commence until authorization is obtained pursuant to the City of Stevenson Critical Areas Code.

1.4. If any item of possible archaeological interest (including human skeletal remains) is discovered on site during construction or site work, all the following steps shall occur:

- a. Stop all work in the immediate area (initially allowing for a 100' buffer, this number may vary by circumstance) immediately.
- b. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering.
- c. Take reasonable steps to ensure the confidentiality of the discovery site.
- d. Take reasonable steps to restrict access to the site of discovery.
- e. Notify the City, DAHP, and Yakama, Nez Perce, Warm Springs, Umatilla, and Cowlitz tribes of the discovery.
- f. A stop-work order will be issued.
- g. The approval will be temporarily suspended.
- h. All applicable state and federal permits shall be secured prior to commencement of the activities they regulate and as a condition for resumption of development activities.
- i. Development activities may resume only upon receipt of City approval.
- j. If the discovery includes human skeletal remains, the Skamania County Coroner and local law enforcement shall be notified in the most expeditious manner possible. The County Coroner will assume jurisdiction over the site and the human skeletal remains, and will make a determination of whether they are crime-related. If they are not, DAHP will take jurisdiction over the remains and report them to the

appropriate parties. The State Physical Anthropologist will make a determination of whether the remains are Native American and report that finding to the affected parties. DAHP will handle all consultation with the affected parties as to the preservation, excavation, and disposition of the remains.

- 1.5.** A site-specific Stormwater Pollution Prevention plans shall be developed for each phase. Such plans shall comply with the City of Stevenson Engineering Standards and must be implemented prior to any clearing, grading, or construction. Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW and WAC 173-201A, and is subject to enforcement action. Contact the Stevenson Public Works Department (509-427-5970) and Department of Ecology Water Quality/Watershed Resources Unit (360-407-6329) for more information.
- 1.6.** Re-vegetation of disturbed areas is necessary to reduce wind and water erosion, and the propagation of weeds. All undeveloped disturbed areas shall be reseeded and landscaped in conformity with the City of Stevenson Zoning and Critical Areas codes and the Skamania County Shoreline Management Master Program.
- 1.7.** A Construction Stormwater General Permit shall be obtained from Washington Department of Ecology for the grading of the site as necessary. A copy of the permit shall be provided to the City prior to the Pre-Construction Meeting. Contact 360-407-6329 for more information.
- 1.8.** The conclusions and recommendations of the January, 2020 geotechnical investigation shall be incorporated into the project plans and specifications.
- 1.9.** Construction shall occur within the hours of 7:00am and 10:00pm and according to the other noise control standards of SMC 8.08.
- 1.10.** The project's various components shall apply for and obtain all appropriate approvals required under the City's Shoreline Management Program.
- 1.11.** All stormwater management shall be provided on site of the development. A stormwater engineering report shall be provided meeting the requirements of the most current Puget Sound Stormwater Manual, as adopted by the Skamania County Stormwater Control Ordinance, Section 13.25.220A Quantity Control, dated January 26, 1994, or the latest edition, including any technical memorandum provided by the County that amends or clarifies the applicable sections of the ordinance.
- 1.12.** All stormwater facilities located on-site shall be privately owned and maintained. Easements shall be recorded for facilities serving multiple lots. Facility maintenance plans shall be developed to clearly identify the frequency and scope of maintenance to be completed.
- 1.13.** Public/pedestrian access to the shoreline shall be completed in pursuant to the shoreline substantial development permit issued for this project.
- 1.14.** This property is within a half mile of a known or suspected contaminated site. If contamination is currently known or observed during construction of this project, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by sampling, Ecology must be notified. Contact the Department of Ecology Environmental Report Tracking System Coordinator's Southwest Regional Office (360-407-6300), for assistance and information about subsequent cleanup and to identify the type of testing that will be required.
- 1.15.** All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the Skamania

County Environmental Health Department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the Skamania County Environmental Health Department (509-427-3900) and the Department of Ecology Solid Waste Management Division (360-407-6287) for more information.

1.16. During construction, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

2. Prior to the Start of Construction the proponent shall prepare a traffic impact study evaluating the project according to the expectations expressed by WSDOT in its SEPA comment letter dated 6/17/2020.

3. Prior to the Start of Construction the proponent shall prepare a cultural resources monitoring plan according to the expectations expressed by DAHP in its SEPA comment letter dated 6/17/2020. The proponent shall then implement the approved monitoring plan.

SMC CH. 18.08 SHORELINE MANAGEMENT

This chapter details the procedures for review according to the Shoreline Management Act. The chapter is separated into 25 sections detailing program administration and project review. Findings and conclusions are detailed below, and a greater focus is placed on the imperative sections of the project review process.

CRITERION §18.08.010 THROUGH .090 These provisions establish the authority to review shoreline proposals and detail the regulatory applicability of the Shoreline Management Master Program.

FINDING(S):

- a. Section 18.08.020 adopts the 1974 "Stevenson Comprehensive Plan" as a standard of review. The *maps* associated with the Skamania County Shoreline Management Master Program are then adopted, but not the required *text* of the program itself. This decision uses the *maps* and the *text* of the Shoreline Master Program as the standards of review.
- b. The shorelines management review applies to this proposal because it is located on lands and/or waters under the jurisdiction of the Shorelines Management Act of 1971 as described in SMC 18.08.050.
- c. Rock Cove adjacent to this site is designated as a "shoreline of the city" under SMC 18.08.060(B).
- d. The proposal is considered a Substantial Development and must be consistent with the City's adopted shorelines management standards.
- d. The proposal does not involve a timber cutting permit and SMC 18.08.090 does not apply.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.010 through 18.08.090 upon satisfaction of the conditions contained herein.

CRITERION §18.08.100 – PERMITS—APPLICATION PROCEDURE. "Any person required to comply with the Shorelines Management Act of 1971 and this title, in regard to permits for substantial development and timber cutting, shall obtain the proper application forms from the city planning department. The completed application shall then be submitted to the planning department."

FINDING(S):

- a. The proponent obtained the appropriate application form and submitted a complete application for substantial development on 3/27/2020.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.100 without conditions.

CRITERION §18.08.110 – PERMITS—NOTICE PUBLICATION. "A. Upon submittal and acceptance of a proper application for a permit, the applicant shall cause to be published notices of the application for a permit at least once a week, on the same day of the week, for two consecutive weeks in a newspaper circulating and published within the city. An affidavit of publication shall be transmitted by the applicant to the planning department and affixed to the application for a permit.

B. Notices of application for a permit shall not be published prior to actual submission and acceptance by the planning department. All notices of application for a permit shall be made on forms provided by the planning department."

FINDING(S): a. Notice of the application was published by City staff in the *Skamania County Pioneer* on 4/15/2020 and 4/22/2020.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.110 without conditions.

CRITERION §18.08.120 – PERMITS—FEES. "Upon submittal and acceptance of a proper application for a permit, the applicant shall pay a fee based upon the fair market value of the project to the clerk-treasurer as follows: [4 categories of fees listed]

B. Fees are not refundable."

FINDING(S): a. City Council Resolution 296 became effective on 8/1/2017 and supersedes the fees in this section.
b. The proponent supplied the appropriate \$1,000 application fee for a Shoreline Substantial Development Permit together with other application fees and a deposit for outside professional assistance on 2/7/2020 and 3/27/2020.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.120 without conditions.

CRITERION §18.08.130 – PERMITS—APPLICATION DISTRIBUTION. "The application for a permit and related information shall be submitted to the council by the planning department at their first regular meeting after thirty days from the date of the last publication of the application for a permit."

FINDING(S): a. The complete application was provided to the City Council at its 5/21/2020 regular meeting.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.130 without conditions.

CRITERION §18.08.140 – PERMITS—INTERESTED PARTIES—TIME LIMIT FOR RESPONSE. "A. Within thirty days of the last publication of the notice of the application for a permit, any interested person may submit his views on the application in writing to the council, or may notify the council of his desire to be notified of the action taken by the council.

B. Within thirty days of the last date of publication of the notice of the application for a permit, any interested person may also make a written request to the council that a public hearing be held on the application, pursuant to this title."

FINDING(S): a. One timely response was submitted to the City Council. The response requested notice of the action taken, requested a public hearing prior to action, and commented on public access at the proposal site.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.140 without conditions.

CRITERION §18.08.150 – REVIEW OF APPLICATIONS BY COUNCIL. “The city council shall review all applications for permits under this title at a regular council meeting. The council may refer, at its option, any application back to the planning commission for a further recommendation and/or public hearing.”

- FINDING(S):
- a. At its 5/21/2020 regular meeting, the City Council reviewed the application, and responses from interested parties.
 - b. The City Council referred the application to the Planning Commission for review and recommendation at the regular 6/8/2020 Planning Commission meeting.
 - c. The Planning Commission reviewed the application along with additional materials prepared by the applicant and provided a recommendation of conditional approval to the City Council.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.150 upon satisfaction of the conditions contained herein.

CRITERION §18.08.160 – REQUIRED PUBLIC HEARINGS. “In the following cases, decisions on applications for permits shall not be made until at least one public hearing has been held:

- A. One or more interested persons has submitted to the council, within thirty days of the final publication of notice of the application, a written request for such a hearing together with a statement of reasons for the request; or
- B. The estimated total cost of the proposed development exceeds two hundred fifty thousand dollars; or
- C. The council determines that the proposed development is one of broad public significance.”

- FINDING(S):
- a. The City Council received a request for public hearing from an interested party.
 - b. The estimated total cost of the proposed development exceeds \$250,000.
 - c. The City Council has determined a public hearing must be held.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.160 without conditions.

CRITERION §18.08.170 – PUBLIC HEARING—NOTICE PUBLICATION. “A. After setting a date and time for a public hearing, the council shall cause to be published a notice of the hearing, along with a description of the project and the project location, in a newspaper circulating and published within the town. The public hearing shall be held no sooner than fifteen days after the final date of publication of the notice of public hearing.

- B. Ten days' written notice of the time and place of the public hearing shall be mailed or delivered to the applicant and to any interested persons who has notified the council in any of the ways specified in Section 18.08.140.”

- FINDING(S):
- a. At its 5/21/2020 regular meeting, the City Council set 6/18/2020 at 6:15 as the date and time when the public hearing for this project would occur.
 - b. Notice of the public hearing was published in the *Skamania County Pioneer* on 6/3/2020 and 6/10/2020.
 - c. Written notice of the public hearing was transmitted to the applicant and to the interested party on 6/2/2020.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.170 without conditions.

CRITERION §18.08.180 –COUNCIL ACTION. “A. At the public hearing scheduled for consideration of a permit by the council, the council shall, after considering all relevant information available and evidence presented to it, either grant, conditionally grant, or deny the permit.

- B. In granting or extending a permit, the council may attach thereto such conditions, modifications and restrictions regarding the location, character and other features of the proposed development as it finds necessary. Such conditions may include the requirement to post a performance bond assuring compliance with other permit requirements, terms and conditions.

C. The decision of the council shall be the final decision of the town on all applications for permits. The council shall render a written decision including findings, conclusions and a final order, and transmit copies of its decision to the persons who are required to receive copies of the decision pursuant to Section 18.08.190.”

FINDING(S): a. At the public hearing on 6/18/2020, the City Council reviewed all relevant information and evidence related to this proposal.
b. Based on this review, the City Council is satisfied this proposal can proceed according to specific conditions to ensure compliance.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.180 upon satisfaction of the conditions contained herein.

CRITERION §18.08.190 THROUGH .220 These provisions include actions intended to occur after issuance of a permit by the City.

FINDING(S): a. The proposal is subject to the notice, appeal, revocation, and expiration provisions provided in these sections.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.190 through 18.08.220 upon satisfaction of conditions 4-6, below.

CONDITIONS:

- 4. Prior to the Start of Construction** the proponent shall not begin work until 45 days from the date of filing of the final order of the Council with the Washington State Department of Ecology and Attorney General or until all review proceedings initiated within 45 days from the date of such filing have been terminated.
- 5. Throughout the Duration of this Project** the proponent shall comply with requirements from other federal, state and county permits, procedures and regulations.
- 6. Throughout the Duration of this Project** this permit shall be valid for 2 years from the date of approval by the Council. If the proposal is not completed within the 2-year period, the proponent may request City Council review and extension of the permit. Such request shall be submitted within the 2-year period of validity. Requests for extension are limited to 1 year at a time and subject to a maximum of 5 total years from the date of approval by the Council (2-year initial period of validity and 3 1-year extensions). Extensions will be granted by the Council only after finding that the proponent has made progress toward completion of the permit or that some other good cause exists for the extension.

CRITERION §18.08.230 THROUGH .240 These provisions are related to the review of Shoreline Conditional Use Permits and Shoreline Variance requests.

FINDING(S): a. The proposal includes uses permissible in the Urban Shoreline Environment Designation and does not require a Shoreline Conditional Use Permit.
b. The proposal does not include any structures requiring a Shoreline Variance.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.100 through 18.08.180 without conditions.

CRITERION §18.08.250 These provisions are related to violations of the City’s Shoreline Management Program.

FINDING(S): a. The proposal is not subject to enforcement or penalties based on violation at this time.

CONCLUSIONS OF LAW: This project will comply with SMC 18.08.250 upon satisfaction of the conditions contained herein.

SKAMANIA COUNTY SHORELINE MANAGEMENT MASTER PROGRAM

The Skamania County Shoreline Management Master Program (SMP) contains the policies applicable to proposals undertaken in shoreline areas. Key provisions related to this proposal include the Overall Goals of Shoreline Master Program, Master Program Elements, Use Activities, Environment Regulations, and Use Regulations. Findings and conclusions are detailed below based on the portions of the program that apply to this proposal.

CRITERION SMP OVERALL GOALS OF SHORELINE MASTER PROGRAM This section of the SMP contains 11 goals intended to reflect the aspirations of the citizens of Skamania County.

- FINDING(S):
- a. The proposal is located along the Rock Cove, a shoreline of the City.
 - b. The proposal is consistent with the goals for development in these areas because, as conditioned, it:
 - 1. Preserves natural shoreline character where it exists on the former industrial site.
 - 2. Protects shoreline ecology and resources consistent with the standards of this program, the City's Critical Areas Code, and other regulatory programs.
 - 3. Recognizes and protects private property rights consistent with public interest.
 - 4. Provides public visual access but not physical access for recreation opportunities on Rock Cove.
 - 5. Preserves and protects fragile natural resources and culturally significant features where they exist on this site.
 - 6. Is unrelated to the establishment of criteria for orderly residential growth.
 - 7. Promotes an allowed, water-related use which is reasonable and appropriate within the Urban Environment and promotes and enhances public interest.
 - 8. Maintains the existing quality of the shoreline environment, high as it may be.
 - 9. Protects shorelines against adverse effects to public health land, vegetation, wildlife, water and aquatic life.
 - 10. Includes water quality measures to maintain the state water quality classification of Rock Cove.
 - 11. Can provide public physical access to the shoreline in advancement of the public right of navigation.

CONCLUSIONS OF LAW: This project will comply with the SMP's Overall Goals of Shoreline Master Program upon satisfaction of the conditions contained herein.

CRITERION SMP MASTER PROGRAM ELEMENTS: ECONOMIC DEVELOPMENT This is one of 7 Program Elements and states: "For the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations".

- FINDING(S):
- a. The proposal involves water-related commercial development on a site with several peninsulas and inlets which limit upland areas (i.e., areas more than 200' from the Ordinary High Water Mark [OHWM]) on the site to a small area less than 50' wide at its widest point. Some development is located in the upland areas and the City Council is satisfied that the overall development is infeasible unless

shoreland areas (i.e., areas within 200' of the OHWM) are included.

b. Structures on the proposed site include buildings, access drives, utilities, and stormwater management facilities. The proposed structures on the site are subject to administrative review under the Zoning Code, the Critical Areas Code, and the Stevenson Engineering Standards. The City Council is satisfied that these reviews are sufficient, as conditioned, to ensure the structures will be situated so as not to decrease the quality of human or natural environments, or place an unreasonable demand upon facilities of adjacent areas.

c. The application narrative adequately demonstrates the proposed uses and facilities will be of benefit to the economic, social, and natural environment of the Mid-Columbia area.

d. The uses of the site are consistent with the permissible uses of the SMP and the Zoning Code and, as conditioned, contain appropriate considerations for compatibility with uses adjacent to the site.

e. The findings above are made in consideration of findings located elsewhere herein.

CONCLUSIONS OF LAW: This project will comply with the SMP's Economic Development Element upon satisfaction of the conditions contained herein.

CRITERION SMP MASTER PROGRAM ELEMENTS: PUBLIC ACCESS This is one of 7 Program Elements and states: "Assure safe, convenient and diversified access for the public to public shorelines of Skamania County."

FINDING(S):

- a. The proposal site is the subject of a public easement providing public visual access to the shoreline and located along the entire Rock Cove perimeter of the site.
- b. The public access easement was granted by Skamania County as the property owner when the site was divided in 1996, however, no pathway has been developed within the public access easement.
- c. The 50' shoreline setback of the Urban Environment applies to structures associated with development of the public pathway and a variance would be required prior to development of the pathway.
- d. The public has been using a portion of the site—without an easement to do so—for physical access to the shoreline as an informal non-motorized boat launch.
- d. The applicant has initiated a concurrent proposal to amend the plat recorded in 1996 to modify the location of the lot lines and the public easement. The intended modification should consider the provision public physical access to the shoreline in exchange for partially reducing public visual access. The public access includes foot trails and public right of ingress and egress. Conditions are necessary to ensure the above.
- e. The existing and proposed access will not endanger life or property nor interfere with the rights inherent with private property.
- f. The City Council encourages the public access areas which are planned features of the proposal.
- g. As conditioned, the proposal does not curtail or reduce the existing free movement of the public, as such, the proposal is not discouraged.
- h. [The Planning Commission recommends retaining public access between the](#)

construction phases until the accessible pathway is constructed, improving connectivity through the center of the property, retaining circulatory access around the property in place of out-and-back access.

i. The findings above are made in consideration of findings located elsewhere in this permit.

CONCLUSIONS OF LAW: This project will comply with the SMP's Public Access Element upon satisfaction of conditions 7, 8, and 8A below and the other conditions contained herein.

CONDITIONS:

7. Prior to the Start of Construction the proponent shall provide financial assurance that the public access components of the project will be completed.

8. Within 3 years or prior to occupancy of future phases, whichever occurs first, all facilities for public access shall be installed.

8.A Prior to the Start of Construction the proponent shall formalize all easements for public access. This may be done through the plat amendment process.

CRITERION SMP MASTER PROGRAM ELEMENTS: CIRCULATION This is one of 7 Program Elements and states: "Develop safe, convenient and diversified circulation systems to assure efficient movement of people during their daily and other activities with minimum disruptions to the shoreline environment and minimum conflict between the different users."

FINDING(S):

- a. The public pathway easement around the site is considered under the Public Access and Recreation elements of the SMP and is not considered a major thoroughfare, transportation route, terminal or other public facility.
- b. The proposal includes no other components considered major thoroughfares, transportation routes, terminals or other public facilities. As a result, the circulation element does not require in-depth findings by the City Council.

CONCLUSIONS OF LAW: This project will comply with the SMP's Circulation Element upon satisfaction of the conditions contained herein.

CRITERION SMP MASTER PROGRAM ELEMENTS: RECREATION This is one of 7 Program Elements and states: "Assure diverse, convenient, and adequate recreational opportunities along the shorelines of Skamania County for the local residents and a reasonable number of transient users."

FINDING(S):

- a. Recreational uses of the site include free public visual access along a pedestrian pathway and potential public physical access to Rock Cove. Recreational uses also include the fee-based operation of the water-related commercial use as a hotel for transient users.
- b. Development of these access/recreation amenities is subject to permitting under the Critical Areas Code and Stevenson Engineering Standards which will ensure the health and safety of the facilities and will preserve the integrity of the environment.
- c. The City Council encourages the proposed private recreational pathways which connect to the proposed public access areas.
- d. The inherent location of the proposal provides recreational opportunities for local citizens and tourist visitors.
- e. The proposed recreational amenities on the site are compatible with adjacent uses.
- f. There is no need for state or local government to acquire additional portions of

this shoreline property for recreational purposes.

g. The findings above are made in consideration of findings located elsewhere in this permit.

CONCLUSIONS OF LAW: This project will comply with the SMP's Recreation Element upon satisfaction of the conditions contained herein.

CRITERION SMP MASTER PROGRAM ELEMENTS: SHORELINE USE This is one of 7 Program Elements and states: "Assure appropriate development in suitable locations without diminishing the quality of environment along the shorelines of Skamania County."

FINDING(S):

- a. The proposal involves land use and no water use. The land use relates to and does not conflict with the existing uses of the water at the specific site.
- b. A publicly-funded analysis (EPA Vision to Action Program) of appropriate development for the site concluded the appropriateness of the proposed uses at this site.
- c. Specific land uses and location of structures is considered under the Urban Environment Regulations.
- d. The findings above are made in consideration of findings located elsewhere in this permit.

CONCLUSIONS OF LAW: This project will comply with the SMP's Shoreline Use Element upon satisfaction of the conditions contained herein.

CRITERION SMP MASTER PROGRAM ELEMENTS: CONSERVATION This is one of 7 Program Elements and states: "Assure preservation of unique, fragile and scenic elements, and of non-renewable natural resources; assure continued utilization of the renewable resources."

FINDING(S):

- a. The City has secured third-party consultant support to review the proposal's compliance with the Critical Areas Code and assure the site manages extant fish and wildlife habitat in accordance with the Conservation Element and its policies.
- b. The proposal, as conditioned, preserves scenic and aesthetic qualities of the shoreline.
- c. The findings above are made in consideration of findings located elsewhere in this permit.

CONCLUSIONS OF LAW: This project will comply with the SMP's Conservation Element upon satisfaction of conditions 9 through 11 below and the other conditions contained herein.

CONDITIONS:

9. Prior to the Start of Construction a Critical Areas Permit shall be secured for the development and all pre-construction conditions of the permit shall be satisfied. Any offsite mitigation necessary to secure the critical areas permit may be located within the shoreline area, provided the offsite mitigation complies with the conditions contained herein.

10. Prior to Occupancy all construction related conditions of the proposal's Critical Areas Permit shall be satisfied.

CRITERION SMP MASTER PROGRAM ELEMENTS: HISTORICAL/CULTURAL This is one of 7 Program Elements and states: "Protect, preserve and restore sites and areas having historical, cultural, educational and scientific values."

- FINDING(S):
- a. An Cultural Resources Study was completed on 2/4/2020 by Applied Archaeological Research Inc. (AAR), which concludes the site lacks buildings, structures, or sites that are listed in or eligible for listing in national, state, or local preservation registers.
 - b. The study by AAR also provides recommendations which are included as SEPA mitigation measures. Historical/Cultural Element.
 - c. The study by AAR identifies the previous uses of the site and its focus on eligibility for preservation registers does not consider the inherent historic, cultural, or educational value of the site's historic use, discontinuance, and proposed re-use.
 - d. The inherent historic, cultural, and educational value of the site's historic usage, discontinuance, and reuse can be preserved through the installation of an interpretive sign. .
 - e. The findings above are made in consideration of findings located elsewhere in this permit.

CONCLUSIONS OF LAW: This project will comply with the SMP's Historical/Cultural Element upon satisfaction of the conditions contained herein.

CONDITIONS:

11. Prior to Occupancy an interpretive sign shall be installed on the site within a public access area. The content of the sign shall address the site's history, complement, and not duplicate other signs within the system of interpretive signs existing in the city. The interpretive sign should incorporate the city's standard design elements and the applicant shall obtain approval from the Shoreline Administrator prior to sign fabrication.

CRITERION SMP SHORELINE POLICY STATEMENTS FOR THE USE ACTIVITIES This section of the SMP details specific policies for 21 types of use activities that serve as "the criteria upon which judgements [sic] will be based in granting shoreline permits".

- FINDING(S):
- a. Of the 21 specific uses identified in this section of the SMP, only 6 require detailed findings herein: Archeological Areas and Historic Sites, Commercial/Industrial Development, Recreation, Solid Waste Disposal, Utilities, and Wildlife.
 - b. Archeological Areas and Historic Sites.
 - 1. The Cultural Resources Report performed by AAR identifies no resources which are listed or eligible for listing in the national, state, or local historic registers.
 - 2. An inadvertent discovery policy is one of the 16 required SEPA mitigation measures which must be satisfied as part of the site's development.
 - 3. The Inadvertent Discovery Policy includes appropriate protocols for stopping and restarting work if archaeological or historic resources are found.
 - c. Commercial/Industrial Development.
 - 1. The proposed use (hotels, motels, condominiums) is considered water-enjoyment uses and benefits from its proximity to the shoreline.
 - 2. The proposal site is not owned by the Port District, however, it is encouraged because it is located in an Urban Environment where the use is permissible.
 - 3. The Council has assessed the scenic views of the area and concludes the proposal, as conditioned herein, has acceptable effects, especially from the County Fairgrounds across Rock Cove.
 - 4. Parking facilities are located in appropriate places away from the immediate

water's edge and recreational areas.

5. Public visual public access, and potential public physical access, to the waterfront are integral parts of this proposal.

6. The new commercial/industrial facilities have proposed locations outside of the 50' shoreline setback and minimize unwarranted use of the shorelines.

7. Standards for building setbacks and design, site coverage and landscaping are dealt with through other sections of the SMP and through the City's Zoning Code.

d. Recreation.

1. The proposal includes public visual access, and potential public physical access, to the shoreline and facilitates recreational uses.

2. The proposed new public access relieves pressure from other, informal access points along the Rock Cove.

3. The proposal includes a pathway that provides linear access and linkage between other pathways and the site's public access points.

4. Standards for views and scenic vistas are dealt with through other sections of the SMP.

5. The location of parking facilities is dealt with through other sections of the SMP.

6. The proposed public access and pathway supplement the variety of recreational developments available to nearby population centers.

7. The potential recreation facilities involved with physical access help address an existing deficit in the overall supply of formal public physical access to Rock Cove.

8. No facilities for intensive recreation are proposed at this time.

9. No recreational facilities requiring large amounts of fertilizers or pesticides are proposed at this time.

10. Public health needs are an important part of developing recreational areas and should be considered in relation to this project.

e. Solid Waste Disposal.

1. Structures and devices related to solid waste storage, collection, and transportation are considered as part of the site's administrative review under the Zoning Code.

2. The proposed does not involve disposal of solid waste on site.

f. Utilities.

1. The proposal involves installation of utilities to serve the site's needs. All utilities serve the site are proposed to be underground.

2. Suitability of the utilities to serve growth at the site will be determined based on the administrative review under the Stevenson Engineering Standards.

3. No major transmission lines are proposed for the site, and the site's location and property line configuration make extension of transmission lines infeasible.

4. Revegetation of the site is subject to administrative review under the Critical Areas Code, Zoning Code, and Stevenson Engineering Standards.

g. Wildlife.

a. On behalf of the applicants, Ecological Land Services (ELS) prepared a Preliminary Critical Areas Assessment for the site to identify rare and endangered wildlife species habitat. The proposal is subject to evaluation of impacts to rare and endangered wildlife under the Critical Areas Code.

b. The assessment prepared by ELS did not identify winter range habitats

requiring protection from development beyond those protections required by the Critical Areas Code.

c. The assessment prepared by ELS did not identify nesting sites for waterfowl, hawks, owls and eagle species requiring protection from development beyond those protections required by the Critical Areas Code.

d. Review of the project's possible detrimental impacts on wildlife resources, including the fisheries resource and spawning areas for anadromous fish, is dealt with through the Critical Areas Code.

h. The findings above are made in consideration of findings located elsewhere in this permit.

CONCLUSIONS OF LAW: This project will comply with the SMP's Master Program Elements upon satisfaction of conditions 12 and 13 below and the other conditions contained herein.

CONDITIONS:

12. Prior to the Start of Construction the proponent shall evaluate the recreational facilities/sites in relation with all guidelines and standards of appropriate state and local public health officials.

13. Prior to the Start of Construction the proponent shall apply for and obtain all appropriate approvals required under the City's Building and Zoning codes and the Stevenson Engineering Standards.

CRITERION SMP ENVIRONMENT REGULATIONS This section of the SMP details regulations applicable within specific Shoreline Environment Designations. The proposal is located in the Urban Environment, and the other 3 designation types are not detailed.

FINDING(S):

a. Inapplicable Environment Regulations. The proposal is located within an Urban Environment and subject to regulation thereunder. The proposal has not been reviewed according to the regulations for Natural, Conservancy, or Rural environments.

b. Urban Environment Regulation.

1. Purpose. Based on the review below and elsewhere herein, this proposal advances the purpose of the Urban Environment.

2. Uses. The proposal includes the following principal use: Hotels, motels, condominiums. The use is permissible in the Urban Environment. The proposed parking is accessory to the proposed principal use and is not considered a stand-alone principal use subject to shoreline conditional use review. No unlisted uses or listed conditional uses are proposed.

3. Minimum shoreline Frontage and Lot Size. Changes proposed to shoreline frontage or lot size are subject to review under the Zoning Code and short plat amendment procedures.

4. Public Access. The commercial proposal includes areas for public visual and physical access to the shoreline which do not interfere with the primary commercial activity or endanger public safety.

5. Setbacks. No buildings or structures are proposed to be located closer than 50' to the ordinary high water mark nor over water.

6. Building Height. No proposed buildings exceed 35' in height.

7. Building Design. Site plans have been submitted which illustrate the access areas of the site and their relation to the buildings. The landscaping of the site is

subject to review under Restoration, below, and the Critical Areas and Zoning codes.

8. Side yards. No buildings are proposed within the 25 minimum required side yard.

9. Front yards. No front yard requirement is identified in the SMP. Minimum front yards are subject to review under the Zoning Code.

10. Parking and Loading. No parking areas are proposed within the 50' shoreline waterfront setback area. The anticipated plat amendment or boundary line adjustment procedure will ensure no parking areas are proposed within the 25' shoreline side yard area. Parking and loading areas are proposed upland of the buildings being served.

11. Signs. No signs are proposed at this time.

12. Restoration. The proposal includes limited detail on landscaping. Vegetation within Critical Area buffers are subject to review and approval under the Critical Areas Code. Vegetation located between the buildings and Rock Creek Drive is subject to review and approval under the Zoning Code. No vegetation, landscaping or screening has been proposed for the future development area. No dilapidated buildings exist on the site. Maintenance of the construction site has not been detailed as part of the proposal but is subject to limited controls under the SEPA mitigation measures.

c. The findings above are made in consideration of findings located elsewhere in this permit.

CONCLUSIONS OF LAW: This project will comply with the SMP's Master Program Environment Regulations upon satisfaction of conditions 14 through 15 below and the other conditions contained herein.

CONDITIONS:

14. Prior to Completion of this Project the proponent shall submit a landscaping and/or screening plan for the future development areas of this project. The plan shall comply with the Restoration regulations of the Shoreline Management Master Program. [The landscaping/screening plan shall provide photo simulations of the project from 2 sites on the County Fairgrounds demonstrating the landscaping, within 10 years, will screen at least 50% of the building walls and rooftops from view at each location. To achieve the screening within the required timeline, the proponents shall retain as many of the existing, native trees as practicable except as necessary for site improvements or for safety purposes. All retained trees shall be indicated on the landscape plan.](#)

15. During the Duration of this Project the proponent shall install temporary fencing/screening around the construction site to prevent public visual and physical access to the area. In order to explain the project and temporary blockages, the fencing may include signs on the landward sides of the project. Signs shall be temporary and shall not exceed 40 square feet.

CRITERION SMP SHORELINE USE REGULATIONS This section of the SMP details specific regulations for 6 categories of use and is "intended to govern the manner in which the particular use of [sic] type of development is placed in each environment so that these [sic] are no effects detrimental to achieving the objectives of the particular environment".

FINDING(S): a. Inapplicable Use Regulations. The proposal does not include components reviewable under the Renewable Resource; Flood Plain Development, Surface Mining, or Docks and Floating Structure regulations.

- b. Construction and Operations Regulations.
 - 1. No construction equipment is proposed to enter any shoreline body of water, and the City Council lacks the authority to permit this if the need arises.
 - 2. Vegetation from shoreline areas may be removed if authorized in compliance with the Critical Areas and Zoning codes.
 - 3. The proposal is subject to review under the Stevenson Engineering Standards to ensure measures are implemented to control land-borne and water-borne siltation and erosion and will also prevent waste materials and other foreign matter from entering the water.
 - 4. Fuel and chemicals are necessary to operate the equipment used in this proposal.
 - 5. Drainage for the land being prepared for development is subject to review and approval under the Stevenson Engineering Standards.
 - 6. Road building is not proposed at this time.
 - 7. Land clearing operations are not proposed at this time.
 - 8. Equipment, fuels and/or oil may be necessary to complete this proposal.
- c. Scenic Vista and View Protection Regulations.
 - 1. No signage is proposed at this time.
 - 2. The proposal and its installation of utilities is reviewed above.
 - 3. No buildings or structures higher than 35 feet are proposed at this time.

CONCLUSIONS OF LAW: This project will comply with the SMP's Use Regulations upon satisfaction of conditions 16 through 18 below and the other conditions contained herein.

CONDITIONS:

- 16. Throughout the Duration of this Project** construction equipment shall only enter the waters of Rock Cove if authorized to do so by the appropriate state and/or federal agencies.
- 17. Throughout the Duration of this Project** All fuel and chemicals shall be kept, stored, handled and used in a fashion which assures that there will be no opportunity for entry of such fuel and chemicals into the water.
- 18. Prior to Project Completion** the proponent shall ensure that all construction debris such as fuel and oil containers and barrels and other miscellaneous litter are removed from the shoreline area. No equipment shall be abandoned within the shoreline area.

SMC CH. 18.13 CRITICAL AREAS AND NATURAL RESOURCE LANDS

This chapter considers whether projects are located within or likely to impact Critical Areas (Critical Aquifer Recharge Areas, Fish & Wildlife Habitat Areas, Frequently Flooded Areas, Geologically Hazardous Areas, Wetlands), requiring mitigation if impacts are identified. The Chapter is subject to administrative review and approval.

FINDING(S): a. The proponent has submitted a Preliminary Fish & Wildlife Habitat Report and is working with staff and a third-party consultant to review and finalize the permit requirements.

CONCLUSIONS OF LAW: This project will comply with the Critical Areas Ordinance upon satisfaction of the conditions contained herein.

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT ISSUANCE

The preceding discussion describes the City Council’s review of the relevant information available and evidence presented regarding FDM Development’s proposal for the Rock Cove Hospitality Center (City file SHOR2020-01). The findings and conclusions of this document justify issuance of a Shoreline Substantial Development Permit under the Skamania County Shoreline Management Master Program. The Shoreline Substantial Development Permit for this proposal is conditionally granted subject to the conditions established herein. For ease of readership, all conditions are repeated below:

Any person aggrieved by the granting of this permit by the Council may seek review from the Shorelines Hearings Board, pursuant to RCW 90.58.180.

1. ...[To be added by staff upon Council Approval]...

DATED this ____ day of June, 2020

For the Council,
Scott Anderson, Mayor
City of Stevenson

Attachments:

A....[To be added by staff upon Council Approval]...