



# City of Stevenson

## Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**TO:** City Council  
**FROM:** Ben Shumaker,  
**DATE:** July 18<sup>th</sup>, 2019  
**SUBJECT:** Shoreline Substantial Development Permit 2017-01—Permit Extension

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### **Introduction**

The Port of Skamania has requested an extension of the time limit included in SHOR2017-01, a shoreline substantial development permit authorizing "a future development area, public access, recreational pathway, and habitat conservation areas". This permit was approved by the City Council on July 20<sup>th</sup>, 2017, and through Condition #3 and SMC 18.08.220, is set to expire on July 20<sup>th</sup>, 2019, 2 years after it was approved.

### **Recommendation**

**Motion:** "...to approve a 1-year extension of SHOR2017-01 as drafted in Attachment 1."

### **Guiding Policies**

#### **SMC 18.08.220 – Permit Expiration, Extension and Reapplication.**

The following time requirements shall apply to all permits:

- A. Permits issued under this title shall be valid for two years from the date of approval by the council;
- B. If a project for which a permit has been granted has not been completed within two years after the approval of the permit by the council, the council shall, at the expiration of the two-year period, review the permit, and upon a showing of good cause, extend the permit for one year, otherwise, the permit terminates; provided, that no permit shall be extended unless the applicant has requested such review and extension prior to the permit expiration date; provided further, that no permit authorizing construction shall be extended for a period of more than a total of five years from the time of approval by the council. If no such progress has been made a new permit may be required. Reapplication will be on an original basis.

#### **SHOR2017-01, Condition #3**

*During 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.

### **Project Review**

Progress toward completion of the permit is demonstrated by the following:

- From January 28 to March 15, 2018 approximately 1,443 feet of new shoreline were constructed.
- Design engineering occurred during 2018 and 2019.
- The apparent low bid has been accepted and the construction contract will be awarded shortly.

Attachments:

1. Draft Extension

**CITY OF STEVENSON**  
**SMC 18.08 – Shoreline Management**

Regarding a request by the Port of Skamania County to extend )	
the Shoreline Substantial Development Permit issued under City )	SHORELINE
File # SHOR2017-01. )	SUBSTANTIAL DEVELOPMENT
)	PERMIT - EXTENSION
)	JULY 18 <sup>th</sup> , 2019

**ORIGINAL PROPOSAL:** The applicant proposed to arrest 450' of severe bank erosion, restore aquatic habitat along 1,250' of Columbia River bank and extend the shoreline on average 78' to the south. An estimated 35,000 cu yd of rock and soil would be placed to restore the shoreline and enhance aquatic and riparian habitats. Materials for the fill will come, in part from bar scalping and dredging activities in Rock Creek. Uses of the Columbia River shoreline include a future development area, public access, recreational pathway, and habitat conservation areas. The proposed project restores the footprint of the historic river bank, which expands the riparian area by 2.15 ac (53%).

**LOCATION:** The site is located along the Columbia River in downtown Stevenson from ~Stevenson Landing at Russell Avenue upstream to ~Leavens Avenue. Additional work will occur on Rock Creek.

**USES:** Archeological Areas and Historic Sites; Commercial/Industrial Development; Dredging; Landfill; Recreation; Shoreline Protective Works; Wildlife.

**KEY ISSUES:** Economic Development, Public Access, Circulation, Recreation, Shoreline Use, Conservation, Historical/Cultural.

**PROPONENT:** Port of Skamania  
PO Box 1099  
Stevenson, WA 98648  
(509) 427-5484

<b>CITY STAFF:</b> Ben Shumaker	Leana Kinley	Scott Anderson
Shoreline Administrator	City Administrator	Mayor

**BACKGROUND**

The proposal occurs over multiple tax lots and dozens of legal lots of record. At the time of issuance, development on the properties included restaurant, vacant lands, a dilapidated single-family residence, recreational lands and pathways. The site had been the subject of severe bank erosion threatening the buildings and project was proposed as part of a coordinated effort to cope with the 2007 Piper Road landslide on Rock Creek. Currently, the severe erosion has been arrested, and uses now include a restaurant, vacant lands, and recreational lands and amenities. The City Council's review at this time is related only to the timeline for completion of the project approved through SHOR2017-01.

## 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). Chapter 18.08 addresses Shoreline Management, together with the adopted Shoreline Management Master Program. Chapter 18.13 focuses on Critical Areas and Natural Resources lands. These 3 chapters were considered in detail in the original approval of SHOR2017-01. This review considers only the sections related to extension of the permit timeline under the authority of SMC 18.08.220.

### **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 related only to SMC 18.08.220 are detailed below.

### **CRITERION \$18.08.220 – PERMIT EXPIRATION, EXTENSION, AND REAPPLICATION**

#### **TEXT:**

"The following time requirements shall apply to all permits:

A. Permits issued under this title shall be valid for two years from the date of approval by the council;

B. If a project for which a permit has been granted has not been completed within two years after the approval of the permit by the council, the council shall, at the expiration of the two-year period, review the permit, and upon a showing of good cause, extend the permit for one year, otherwise, the permit terminates; provided, that no permit shall be extended unless the applicant has requested such review and extension prior to the permit expiration date; provided further, that no permit authorizing construction shall be extended for a period of more than a total of five years from the time of approval by the council. If no such progress has been made a new permit may be required. Reapplication will be on an original basis."

#### **FINDING(S):**

1. Through the issuance of SHOR2017-01, the City implemented SMC 18.08.220 by inclusion of Condition #3, stating:

During 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.

2. The proponent has demonstrated the following progress toward completion of the permit:

a. From January 28 to March 15, 2018 approximately 1,443 feet of new shoreline were constructed.

b. Trail and landscaping design engineering occurred during 2018 and 2019.

3. The proponent requested extension of the permit on April 20, 2018.

4. Good cause exists to extend the permit based on the following:

a. The apparent low bid has been accepted and the construction contract for the pathway and habitat conservation area planting will be awarded in 2019.

#### **CONCLUSIONS OF LAW:**

This project will comply with SMC 18.08. 220, subject to the new timeline. Based on this review and approval the new expiration date is July 20<sup>th</sup>, 2020, unless extended.

## **SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT EXTENSION**

The preceding discussion describes the City Council's review of the requested extension to SHOR2017-01 based on available and relevant evidence. The findings and conclusions of this document justify approval of a 1-year extension to the Shoreline Substantial Development Permit under the Skamania County Shoreline Management Master Program.

DATED this \_\_\_\_ day of July, 2019

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For the Council,  
Scott Anderson, Mayor  
City of Stevenson