

MINUTES
CITY OF STEVENSON SPECIAL COUNCIL MEETING
June 22, 2020
6:00 PM, Via Zoom

1. CALL TO ORDER: Mayor Anderson called the meeting to order at 6:00 p.m. **Councilmembers Robert Muth, Amy Weissfeld, Matthew Knudsen and Paul Hendricks** were present. Also present were Stevenson **City Administrator Leana Kinley, Community Development Director Ben Shumaker, Public Works Director Karl Russell, City Attorney Ken Woodrich, and Mike Beck, Stevenson Planning Commissioner.**

2. UNFINISHED BUSINESS:

a) Rock Cove Hospitality Center Shoreline Substantial Development Permit - Council discussed the shoreline permit application including, and not limited to, traffic impact on Rock Creek Drive, public waterfront access and wildlife study. Associated documents were included in the packet prior to the meeting.

Mayor Anderson called on **Community Development Director Shumaker** to guide the Council's deliberation and discussion. Shumaker noted additions to the packet since the June 18th, 2020 City Council meeting. He advised another Appearance of Fairness of Doctrine was necessary and guidance was needed to deal with public comments as the public hearing had closed.

Under the Appearance of Fairness Doctrine City Attorney Ken Woodrich asked each councilmember present if they had had conversations with either a proponent or opponent of the project, and if so, to disclose the nature of the conversation. The intent is to assure fairness and impartiality in any decision-making. Woodrich reported no councilmember indicated any communications. He then asked if the applicant was present in case he had any new or additional objections. Dean Maldonado was not present. **Shumaker** related the current meeting information had been sent to the applicant so he was aware of the meeting.

Shumaker referred to the staff report containing a number of decision points. He explained how the meeting materials were organized and the recommended process of moving through the application.

The Council then entered into a considerable discussion regarding the application. **Councilmember Muth** shared additional concerns he had with stormwater disposal, emergency vehicle access, and screening of utility areas.

Public Works Director Russell provided information regarding the emergency vehicle question. He also noted there are other reviews necessary for the project to advance.

In regards to the stormwater facility upkeep and operations, City Attorney Woodrich advised the project is subject to the Washington Common Interest Ownership Act, (RCW 64.90), and will have to establish a Homeowner's Association regulated by statute.

Community Development Director Shumaker pointed to a section on page 199 that described screening of trash collection areas. He noted no zoning requirements are in place regarding screening of postal delivery areas.

A main point of consideration for the Council was the timing and scope of a traffic impact study. All agreed they did not want to delay the project.

- Following lengthy discussion Councilmembers eventually agreed to approve a condition by which the developer would have to have a traffic plan in place prior to submitting their

plan to the Planning Commission, and prior to occupancy any mitigation measures would have to be complete.

- Next, a decision to delete text requiring a condition to establish a cultural resources monitoring plan was made due to the extensive amount of imported fill making up the surface of the site. **Community Development Director Shumaker** noted that if the developer can work within the building code and avoid disturbing any native soil no monitoring would be necessary.

Public access to and around the site during and after construction was also discussed at length. Existing informal pedestrian pathways are currently in place along a public easement.

Councilmember Muth suggested changing the work hours to 7 a.m. to 7 p.m. in consideration of the nearby assisted living facility. He also cited pedestrian safety during construction and liability insurance as concerns. Attorney Woodrich addressed both. He stated the fundamental attribute of an easement must be met even during construction and access must be accommodated. He also advised that reasonable insurance and indemnification would be needed, and the developer had the responsibility to ensure a safe work site for both workers and the public. Attorney Woodrich left the meeting at 6:55 p.m. in order to attend another meeting.

Councilmember Knudsen spoke about striking a balance between public access and private property, noting he was concerned about maintaining the easement around the property. Various routes for pathways were proposed and reviewed, as well as a suggestion to have an option for nighttime closure of paths on the southern peninsula. **Shumaker** pointed out the draft decision as it stands requires the proponents to formalize all easements for public access through a plat amendment process the City Council would have to review and approve. He shared the developers had not filed a plat amendment due to wanting to know the Council's ideas. **Mayor Anderson** highlighted plans indicating restoration of a non-motorized boat launch.

- Following further discussion, a final determination was made to connect to the easement for a pathway to the south (pink line), continue the easement around "Florida", clarify the addition of physical access and continue the easement along the north side of proposed condominiums. ADA compliant pathways were considered beneficial, especially with the assisted living facility next door.

The Council then considered the proposed use of the site. **Community Development Director Shumaker** explained **Councilmember Knudsen** had desired discussion about requiring the proposal to include affordable housing. He detailed the use categories permitted under the SMP and current zoning regulations and the permitting process. He described Attachment A as a draft denial of the project the Council could issue if the lack of affordable housing was viewed a barrier to approval. **Shumaker** noted a new application for a conditional use permit would be required and there was no guarantee the Planning Commission would approve it.

- Based on the information provided, the Council opted to continue the review of the project without any further consideration of affordable housing. **Councilmember Knudsen** related he wanted to keep the issue of affordable housing on Council's radar.

Community Development Director Shumaker next referred the Council to the question regarding regulation of habitats/species protected under the Critical Areas Code. He noted the subject had come up during the public hearing and that **Councilmember Weissfeld** had also asked for additional information and review. He noted the applicant would need to have a critical areas

permit in place prior to receiving a construction permit, and would need to have any mitigation called for finalized prior to occupancy.

- Following an explanation from **Shumaker** on habitat protection options, **Mayor Anderson** asked the Council to determine if they were comfortable with the critical areas format to address concerns. **Councilmember Knudsen** suggested avoiding off-site mitigation. Shumaker related he would add to condition 9 as drafted the applicant should avoid off-site mitigation if possible, and any off-site mitigation is considered permitted.

A final point of discussion had to do with the landscape plan. **Community Development Director Shumaker** advised the Council the developer had submitted the plan following the Planning Commission meeting and after condition #14 had been drafted. Some of the plan will be subject to the Critical Areas Planting Plan. He explained all the benchmarks, including screening timelines.

- **Councilmember Weissfeld** requested any future plantings ensure the plants not be any that block of views and pedestrian ways. **Councilmember Muth noted** the landscape plan did not include Phase 3. **Councilmember Hendricks** asked if the developer could be required to remove the Himalayan blackberries. **Shumaker** referred to a policy that provides for restoration of functioning habitat to accommodate buffers. Not all the waterfront areas would be covered. He also noted there is a condition that requires the developer submit a landscape plan for any future development areas. The Council agreed to change the wording of condition #14 regarding submission of photo simulations detailing landscape screenings from shall provide to should provide.

MOTION to approve the Shoreline Substantial Development Permit for Rock Cove Hospitality Center with conditions as presented and with changes as discussed made **by Councilmember Muth** with a second by **Councilmember Weissfeld**.

- Voting aye: **Councilmember Muth, Hendricks, Weissfeld**
- Voting nay: **Councilmember Knudsen**

Councilmember Muth pointed out that one of the three applicants listed is administratively dissolved and as such is not a valid corporation.

3. ADJOURNMENT - **Mayor Anderson** declared the meeting adjourned at 7:51 pm.

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Approved _____; Approved with revisions _____

Scott Anderson, Mayor

Date

Minutes by Johanna Roe