



City of Stevenson

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MEMORANDUM

From: Jenny Taylor

To: City Council

RE: Conditional Use Permit Decision-Making Process

Date: March 18, 2026

The purpose of this memo is to begin a policy discussion about the City's Conditional Use Permit process and whether final decision-making authority should remain with the Planning Commission or be revised so that the Planning Commission makes a recommendation and City Council makes the final decision.

This discussion is part of the City's broader effort to review and clean up portions of the municipal code, clarify decision-making authority, and ensure our land-use procedures are clear, defensible, and aligned with Council's expectations.

Background

Under the City's current process, the Planning Commission appears to serve as the final local decision-maker for ordinary Title 17 Conditional Use Permits. The City Attorney has indicated that he does not see a current Stevenson Municipal Code provision that provides a local administrative appeal from a Planning Commission CUP decision to either City Council or a Hearing Examiner. In that structure, a party challenging a final CUP decision would likely need to seek judicial review under the Land Use Petition Act, chapter 36.70C RCW.

Conditional Use Permits are not purely administrative approvals. They involve uses that may be allowed in a particular zone, but only if certain criteria are met and appropriate conditions are applied. These decisions can involve impacts to neighboring properties, traffic, parking, public health and safety, infrastructure, compatibility with surrounding uses, property values, and consistency with adopted plans.

Because CUPs can have broader community impacts, I believe it is appropriate for Council to discuss whether the current decision-making structure still reflects the level of accountability and policy oversight Council expects.

Policy Question

The main policy question is: ***Should the Planning Commission remain the final decision-maker on Conditional Use Permits, or should the Planning Commission make a recommendation and City Council make the final decision based on the record?***

This is not intended to diminish the Planning Commission's role. Their work would remain essential. The question is whether the Planning Commission should continue to make the City's final local decision, or whether Council should take final action after the Planning Commission has held the public hearing, developed the record, and made recommended findings.

Attorney Guidance

The City Attorney has advised that the City may amend the CUP process by ordinance. The cleaner structure would be to avoid language suggesting that every Planning Commission CUP "decision" must be "approved" by Council, because that can create confusion about whether the Planning Commission made a final decision, whether an appeal is required, or whether Council is conducting a second merits hearing.

Instead, the cleaner model would be:

The Planning Commission conducts the open-record public hearing, reviews the application, and issues written findings and a recommendation to approve, approve with conditions, or deny. City Council then makes the City's final decision based on the record developed before the Planning Commission.

This approach preserves the Planning Commission's hearing and technical review role, while making Council the final decision-maker. It also avoids creating a second open-record hearing. Washington's project permit review statutes generally allow one open-record hearing and no more than one closed-record appeal for project permits, including conditional use permits.

Recommended Model for Discussion

For Council discussion, the recommended model would be:

1. Staff reviews the CUP application.
2. SEPA review is completed, or a categorical exemption is documented where applicable.
3. Planning Commission holds the open-record public hearing.
4. Planning Commission adopts recommended findings and a recommendation.
5. City Council makes the final decision based on the Planning Commission record.

6. Council may approve, approve with conditions, deny, or remand the application for additional proceedings.
7. Council does not accept new evidence unless the matter is remanded for an additional open-record hearing.
8. The Council's written decision becomes the City's final land use decision.

This model is consistent with the attorney's recommended approach for Stevenson.

Alternative Option

Another option would be to leave the Planning Commission as the initial and final decision-maker, but create a closed-record appeal to City Council. Under that model, the applicant or an aggrieved party of record could appeal the Planning Commission's final decision to Council. Council's review would be limited to the record before the Planning Commission.

While this option appears legally permissible, it may be less efficient and could create more procedural complexity. It also means Council would only become involved if someone appeals, rather than having a clear final decision-making role from the outset.

Important Guardrails

If Council becomes the final decision-maker, Council will need to be disciplined about the quasi-judicial nature of CUP decisions.

That means Council members should avoid:

- ex parte conversations with applicants, opponents, or interested parties;
- receiving public comments outside the official record;
- discussing the merits of a pending CUP outside the hearing process;
- making decisions based on general public pressure rather than adopted criteria.

Council's decision would need to be based on the record developed before the Planning Commission, including the application, staff report, SEPA documents, public comments, testimony, exhibits, and the Planning Commission's recommended findings.

The City Attorney has specifically cautioned that Council members acting as final decision-makers or appellate decision-makers must follow appearance-of-fairness and due-process limits.

Recommendation

I recommend that Council direct the City Attorney to prepare ordinance language for Council consideration that would revise the CUP process so that:

- The Planning Commission conducts the open-record public hearing;
- The Planning Commission adopts recommended findings and a recommendation;
- City Council makes the City's final decision based on the Planning Commission record;
- Council does not accept new evidence unless the matter is remanded;
- The revised process applies prospectively to future CUP applications.

This approach preserves the Planning Commission's important role, gives Council final accountability for higher-impact land-use decisions, and creates a clearer and more defensible process for the City.