

**City of South Bend  
Council Meeting Via Zoom  
Monday, August 24, 2020 @ 5:30 pm**

Zoom Link - <https://us02web.zoom.us/j/81020384262?pwd=TWd4SFpsYlgzalZ4TlJ6ck5YZm5wUT09>

1. Call to Order and Roll Call
2. Approval of Agenda and Consent Agenda  
Approval of Minutes: *August 10, 2020 Regular Meeting*
3. Correspondence
  - a. Dollar General
4. Items from the Public
5. *Preliminary Short Subdivision Approval (Action)*
6. *Emergency Executive Order - Extension (Action)*
7. Department Head Reports:
  - i) Police Chief Stigall
  - ii) City Supervisor Houk
  - iii) Clerk/Treasurer Roberts
8. Mayor's Report
9. Council Comments
10. Public Comments – Current Agenda Items
11. Future Agenda Topics
12. Adjournment

**ORAL PUBLIC TESTIMONY**

If you wish to provide oral public comments during the August 24, 2020 council meeting, please submit an email to [dee.roberts@southbend-wa.gov](mailto:dee.roberts@southbend-wa.gov) containing the following information:

1. The Meeting Date
2. Your First and Last Name, Your City of Residence
3. The Agenda Item(s) that you would like to provide comment  
Oral public comment will be accepted for **Action Items Only**.
4. The Telephone Number that you will be calling from  
Please note the information you provide may be subject to disclosure pursuant to Washington State's Public Record Act, chapter 42.56 RCW.

**To join the Zoom web meeting:**

**Meeting ID: 810 2038 4262 Password: 680106**

**Dial-In Phone Number: 1-253-215-8782**

Emailed requests to be added to our "Speakers List" must be received by 4:00 pm on August 24, 2020 and **MUST** include **ALL** of the above information. Any omitted information will render the request incomplete and will not be included for public comment during the meeting.

**WRITTEN PUBLIC TESTIMONY**

If you wish to provide written public comments during the August 24, 2020 council meeting, please email your comments to [dee.roberts@southbend-wa.gov](mailto:dee.roberts@southbend-wa.gov) and include the following information with your comments:

1. The Meeting Date
2. Your First and Last Name, Your City of Residence
3. The Agenda Item(s) that you are speaking to – Public comments will be accepted for **Action Items Only**

*The City of South Bend strives to provide access and services to all members of the public. Please notify the City at least 48 hours prior to an event if reasonable accommodations are needed.*

**NOTICE** – All proceedings of this meeting are sound recorded  
Except Executive Sessions.

*Next Regular Meeting at City Hall Monday, September 14, 2020 @ 5:30 PM unless otherwise notified.*

# **South Bend Council Meeting**

**Monday, August 24, 2020**

## **CONSENT AGENDA**

1. Approval of Vendor Checks

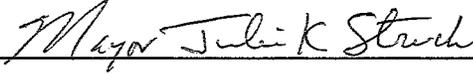
**Vendors – Check #46024 thru Check #46053 - \$83,016.49 Including EFT Payments**

**Voided Check #46054**

8/24/2020

	VENDOR	AMOUNT	
46024	Gaspar Francisco (Hand Pay)	\$ 10,000.00	Mary Rogers Pioneer Park Landscaping
46025	A&M Auto Body, Inc.	\$ 191.16	Repair/Maintenance - Water Fund
46026	ALS Group USA, Corp	\$ 125.00	Water Samples
<i>EFT Pay</i>	<i>Bank of the Pacific - EFT Pay</i>	\$ 2,008.54	Funding Interest - Water Treatment Plant Upgrades - Funded by USDA RD
46027	Chinook Observer	\$ 47.25	Police Dept
46028	City of Raymond	\$ 23,394.33	RWWTP M & O - July 2020
46029	Dept of Licensing	\$ 36.00	Police Dept - CWP
46030	Dilk Tire Factory	\$ 245.55	Repair/Maintenance - Streets
46031	Elixir Coffee, LLC	\$ 50.00	Refund Business License - Overpayment
46032	Evident, Inc.	\$ 204.12	Operating Supplies - Police Dept
46033	Fastenal Company	\$ 95.44	Operating Supplies - Streets/Water/Sewer Fund
46034	Gerald Ashley	\$ 73.45	LEOFF 1 Benefits
46035	Grays Harbor County Dept of Public Services	\$ 120.00	Water Samples
46036	H.D. Fowler Company	\$ 3,446.12	Operating Supplies - Water Fund
46037	Hach	\$ 599.69	Operating Supplies - Water Fund
46038	Harbor Saw & Supply, Inc.	\$ 32.42	Repair/Maintenance - Streets
46039	Hartford Fire Insurance Company	\$ 3,504.00	Annual Flood Insurance - City Hall
46040	HB Portables	\$ 185.00	Portable Toilets - Boat Launch
46041	JBK Builders	\$ 18,917.50	Repair/Maintenance - Library (PCOG Funded)
46042	Jonathan Quittner	\$ 775.00	Municipal Court Public Defender - August 2020
46043	Killian Dunkeson	\$ 900.00	Municipal Court Prosecutor - August 2020
46044	Koraleen Enterprises	\$ 374.51	Operating Supplies - Water Fund
46045	LeMay Mobile Shredding	\$ 50.05	Document Shredding
46046	Maneman Electric, Inc.	\$ 502.58	Repair/Maintenance - Sewer Fund
46047	Pioneer Grocery	\$ 11.55	Miscellaneous - Fire \$3.87 and Police \$7.68
46048	South Bend Utilities	\$ 95.05	Refund of Utility Deposit
46049	Steve's Front End & Brake, Inc.	\$ 640.25	Repair/Maintenance - Streets \$429.45, Water \$105.40 and Sewer \$105.40
<i>EFT Pay</i>	<i>Visa - EFT Pay</i>	\$ 1,087.46	City Hall Capital Outlay \$1,011.80 and Muni Court \$75.66

46050	Vision Forms, LLC	\$	711.25	Statement Automation
46051	Walter E Nelson Company of Astoria	\$	182.25	Operating Supplies - Parks \$39.85, Water \$71.20 and Sewer \$71.20
46052	Whitney Equipment Company, Inc.	\$	14,084.27	Repair/Maintenance - Sewer Fund
46053	Willapa Harbor Herald	\$	326.70	Legal Notices
<b>TOTAL</b>		\$	<b>83,016.49</b>	

  
\_\_\_\_\_  
Mayor Struck

  
\_\_\_\_\_  
City Supervisor Houk

  
\_\_\_\_\_  
Police Chief Stigall

**CITY OF SOUTH BEND  
ZOOM COUNCIL MEETING – 08/10/2020**

**1. CALL TO ORDER AND ROLL CALL**

The council meeting was called to order by Mayor Struck at 5:30 pm followed by roll call by Clerk/Treasurer Roberts. Members present: Councilor Kuiken, Councilor Manlow, Councilor Neve, Councilor Davis, Councilor Hall, Police Chief Stigall and Clerk/Treasurer Roberts. City Supervisor Houk was absent.

**2. APPROVAL OF AGENDA, CONSENT AGENDA AND APPROVAL OF MINUTES**

A motion was made by Councilor Hall to approve the Agenda, Consent Agenda and the minutes of the July 27, 2020 regular meeting. The motion was seconded by Councilor Neve. **Vote: Ayes-4, Noes-0, Absent-1**

**Vendors – Check #45993 thru Check #46023 - \$113,857.34 Including EFT Payments**

**Payroll – Check #24854 thru Check #24870 - \$120,813.48 Including Direct Deposit**

**3. CORRESPONDENCE – NONE**

**4. ORDINANCE #1553 – AMENDING PORTIONS OF CHAPTER 12.20 OF SBMC – CITY BOAT HAVEN (SECOND READING)**

Councilor Hall made a motion to accept Ordinance #1553 – Amending portions of Chapter 12.20 of SBMC – City Boat Haven as presented. The motion was seconded by Councilor Manlow. **Vote: Ayes-5, Noes-0, Absent-0**

**5. ORDINANCE #1554 – AMENDING AND ADDING TO CHAPTER 9.10 OF SBMC – DISORDERLY CONDUCT – PUBLIC NUISANCES (SECOND READING)**

Councilor Hall made a motion to accept Ordinance #1554 – Amending and adding to portion of Chapter 9.10 of SBMC – Disorderly Conduct-Public Nuisances. The motion was seconded by Councilor Neve. **Vote: Ayes-5, Noes-0, Absent-0**

**6. PROFESSIONAL SERVICES CONTRACT – PROSECUTING ATTORNEY**

Councilor Neve made a motion accepting the Professional Services Contract for the Prosecuting Attorney as presented. The motion was seconded by Councilor Davis.

During discussion Clerk/Treasurer Roberts explained that Will Penoyar had moved into the Municipal Court Judge position which left the prosecutor vacant. After some searching, she found Killian Dunkeson who works for Ingram, Zelasko & Goodwin in Aberdeen willing to take the position, but it did require an increase in the contract dollar amount.

**Vote: Ayes-5, Noes-0, Absent-0**

**7. ITEMS FROM THE PUBLIC**

- ✚ Citizen Steve Rogers, 522 W Second Street, thanked Police Chief Stigall and the South Bend Police Department for their excellent service recently when his truck was stolen as well as some items out of his garage. Mr. Rogers was very impressed by the thoroughness of Police Chief Stigall. His truck as well as some of the items stolen from his garage were recovered quickly. There is no doubt that he is the right man for the job!

## 8. DEPARTMENT HEAD REPORTS

- ✓ Police Chief Stigall requested permission to surplus two police vehicles – a 2011 Chevrolet Tahoe and a 2012 Dodge Charger. Clerk/Treasurer Roberts also requested permission to surplus two Fire Department vehicles – a 1999 Dodge Ram Pickup and a 1989 Ford Ambulance Prep Van. Councilor Hall made a motion authorized the surplus of all four vehicles as presented. The motion was seconded by Councilor Neve. **Vote: Ayes-5, Noes-0, Absent-0**
- ✓ Councilor Hall asked Police Chief Stigall what the timeline was for follow-up on the nuisance complaint that he had made on the derelict building and vehicles recently. The collapsed building is still there as is most of the cars. Police Chief Stigall advised he will follow-up with the owner.
- ✓ Councilor Hall asked Police Chief Stigall about two areas where there are derelict boats. One derelict boat is by a blue metal building and the other derelict boat(s) are on Spooner property. Police Chief Stigall advised he would look into both situations.
- ✓ Mayor Struck reported for City Supervisor Houk who was not in attendance. The repair work at the library that the city received funding (\$30,000) for would be starting on Tuesday, August 11<sup>th</sup>.
- ✓ The 4<sup>th</sup> Street Reconstruction Project (between Pacific and Willapa) is going well
- ✓ Landscaping at Mary Rogers Pioneer Park should begin next week.
- ✓ Clerk/Treasurer Roberts noted that the 2021 budget calendar was in the councilor's packet. It is an outline of the process that the city is required to use to prepare and pass the budget. She suggested that two workshops be set for October so they could be published early. October 7<sup>th</sup> and October 14<sup>th</sup> were decided. They will start at 4:00pm.

## 9. MAYOR'S REPORT

- Mayor Struck advised that the office is still closed and the county still has rising COVID-19 case counts. Even though the front office is closed the public is still being served. If anyone knocks on the door, the door is answered. If anyone needs to come into the office, they follow the appropriate protocol.

## 10. COUNCIL COMMENTS

- ❖ Councilor Hall briefly talked about the discussions going on on social media regarding the Dollar General, a new business that is scheduled to come to town. He asked if after the subdivision is approved by the planning commission does it come to the city council for final approval? He was advised yes, that is correct. He then asked, once someone meets all of the rules, and the city has a lot of them, that doesn't come to the council correct? Mayor Struck advised yes, that is correct. It is private property. We have no say on what a person does with their property as long as they follow the proper zoning for their property and city codes
- ❖ Councilor Hall expressed his annoyance concerning the disappearance of the envelopes at the boat launch. Even though they continually vanish seven people still managed to pay without them.
- ❖ Councilor Hall wanted to note that there are two steps to public nuisances – an inquiry and an official complaint.
- ❖ Councilor Kuiken thanked Police Chief Stigall for the nice job outfitting the new police vehicle. The work was done in-house and they did a great job. Very impressive!

Councilor Davis noted that Immigration Support will be working with the Pacific County Health Department to assist with non-English speaking citizens that need COVID-19 assistance.

**11. PUBLIC COMMENT – CURRENT AGENDA ITEMS**

Citizen Craig Spredeman asked if city emails were part of "Correspondence" on the agenda. Mayor Struck advised no, it is not. Only if the emails are specifically addressed to the council. The city receives hundreds of emails a week.

Mr. Spredeman asked if the subdivision for the Dollar General was approved by the city council and Clerk/Treasurer Roberts advised him that the subdivision for that property was approved by the city council on October 22, 2018

**12. FUTURE AGENDA TOPICS – CHENEY PARK BALL FIELD (COUNCILOR HALL)**

Councilor Hall advised that he had no comment and that the Cheney Park Ball Field stay as a future agenda topic.

**13. ADJOURNMENT**

The Zoom meeting was adjourned at 5:57 PM to meet again on Monday, August 24, 2020 for the next regularly scheduled meeting via Zoom unless otherwise announced.

\_\_\_\_\_  
Julie K. Struck  
Mayor

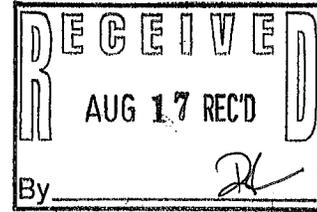
ATTEST:

\_\_\_\_\_  
Dee Roberts  
Clerk/Treasurer

**DRAFT**

August 13, 2020

To: Clerk/Treasurer Dee Roberts  
Mayor Julie Struck  
South Bend City Council



I am opposed to allowing Dollar General to build a structure and open a business in South Bend. Not only will this business be an eyesore, it will threaten long-established businesses which have supported and served the citizens of our community for generations, through good times and bad.

Businesses such as Bud's Lumber, Dennis Company, Pioneer Grocery, the two pharmacies and others have contributed generously to organizations and programs in both Raymond and South Bend, something which Dollar General is highly unlikely to do.

Our local businesses take pride in the appearance of their buildings: as examples---the striking paint job on Bud's Lumber and the upgrades and expansion of Pioneer Grocery. In contrast, Dollar General buildings are big and boxy structures with no character.

Local businesses respond to customer requests and preferences, and they provide quality merchandise. Dollar General, despite the name, is NOT a dollar store and their products are sometimes packaged in smaller sizes with higher per-unit prices.

Dollar General has an exploitive business plan which takes advantage of low-income customers by selling low-quality merchandise. They have no stake in the community and they historically will pull out of a location if their business goals are not being met, leaving an empty, ugly building. The few jobs that come with a Dollar General offer low pay and few, if any, benefits.

People argue that a business such as Dollar General helps low-income citizens. Our low-income population seems to be growing. I believe it is up to Mayor Struck, the City Council and the city planning commission to work as a team to make living in South Bend more affordable and to bring living-wage, decent and fulfilling jobs to our community, not help an exploitive corporation take advantage of our city. Please work together to make decisions which benefit us all, not just a wealthy property owner and a Tennessee corporation. I say "NO" to Dollar General.

Linda Buchanan  
South Bend resident

*Linda Buchanan*

**julie.struck@southbend-wa.gov**

---

**From:** South Bend WebSite <web@southbend-wa.gov>  
**Sent:** Wednesday, August 19, 2020 9:23 AM  
**To:** julie.struck@southbend-wa.gov  
**Subject:** City of South Bend Washington: Letter to Planning Commission re: DG Subdivision

This is an enquiry email via <https://www.southbend-wa.gov/> from:  
Craig Spredeman <craig@limsc.co>

Craig K. Spredeman  
P.O. Box 722.  
South Bend, WA 98586-0722

August 18, 2020

South Bend Planning Commission  
South Bend City Council  
City Hall  
P.O. Box 9  
South Bend, WA 98586

Dear Commission and Council Members,

I would like to express my feelings regarding the proposed subdivision changes for the Dollar General Subdivision project in the 300 block of Robert Bush Drive.

I'm aware of, and trying to support, others with more legal and institutional knowledge than I have who are examining the laws and regulations regarding the proposed development, but I would like to add my personal perspectives to the conversation as well.

Since I knew that I was going to soon become a senior citizen living on a fixed income, finding an affordable location was one of the primary motivators in making a decision when searching for my first home. After shopping along the coast from Southern California up to Forks, WA, I purchased my home in South Bend. When I first inspected the property, I felt a sense of peace and relaxation looking out at the view of the Willapa River and the city of South Bend that was lacking at any other homes I'd viewed. This sentiment seems to be reflected in Goals for Future Shoreline Development as stated in the Preface of the 'City of South Bend Shoreline Master Program Update' where it states:

"The City of South Bend is a special, peaceful place of great natural and aesthetic beauty. The community's greatest asset contributing to its singular charm is the Willapa River and its shorelines. Whether viewed distantly from homes on the hillsides on the south side of town or up close along the river itself, South Bend's shorelines offers picturesque scenery of a working waterfront amidst a natural environment."

If the final use of the proposed subdivision were destined to be built into housing or businesses that were designed to integrate into and accentuate the "singular charm" of South Bend rather than a standardized corporate structure, optimized for efficient building costs rather than aesthetics, it would seem to more closely reflect the next statement in the Preface:

"The Shoreline Master Program needs to preserve and encourage this unique mix of the built and natural environment. Future development along the shoreline should focus on continuing current development patterns, maintaining view corridors of the river, and improving existing infrastructure along Robert Bush Drive."

While under most circumstances the addition of a new business is beneficial to the community, there exist corporate philosophies and entities that are more than willing to extract what few resources a struggling community has to offer until it becomes unprofitable for them, often leaving the community in a worse condition than when they arrived. I'm concerned this may be one of those occasions. An article at the Business section of NBCNews.com by Leticia Miranda, a business reporter for NBC News (<https://www.nbcnews.com/business/consumer/thousands-retail-stores-are-closing-so-how-dollar-general-opening-n1095791>), has a quote from the Dollar General CEO, Todd Vasos, apparently acknowledging their 'core customer' is a result of the recession.

...  
'The company's rapid expansion is only expected to continue as economic trends squeeze the middle class, and economists warn of a looming recession.

"The economy is continuing to create more of our core customer," Vasos told the Wall Street Journal in 2017. "We are putting stores today [in areas] that perhaps five years ago were just on the cusp of probably not being our demographic...and it has now turned to being our demographic."

Dollar General was created out of the recession.'

...  
The article goes on to mention that they are rolling out their own private label products as well as having it's own fleet of carrier trucks.

After a little inquiry I've learned that our local grocery store has over a dozen incoming trucks, plus another dozen or so smaller suppliers utilizing truck space. Most of these are local or regional suppliers. With the limited customer base in the area, I can't but help worry that having their own dedicated brands and transportation system would negatively impact our current supply chains, not to mention the local retail outlets that have sustained the community for decades. And during the COVID-19 pandemic, we hear the reminders on radio of how important is to shop local to support our communities.

Are we sure that's where we would like to see our Pacific County and South Bend citizens resources invested? Is our area destined to spiral downward financially as our salaries and retirement dollars are extracted to profit Wall Street corporations? While I would also benefit from the opportunity to purchase products at a lower cost, I would rather see the "...special, peaceful place of great natural and aesthetic beauty..." along the city shoreline than just another of "...the more than 16,000 locations it already has, which is more than McDonald's in the U.S. and more than Walmart globally."

While you may be somewhat constrained and are required to make decisions based on the existing laws, policies, and guidelines provided, this could be one of those occasions where you have the opportunity to demonstrate to the Mayor and the members on the City Council that appointed you to the Planning Commission, as well as to the citizens of South Bend, that you are doing your utmost to interpret and apply those laws and policies in the best interest and the long term benefit of all of South Bend and the surrounding area.

Thank you for your consideration,

Craig Spredeman

**From:** Sarah Murphy <smurphy9390@gmail.com>  
**Sent:** Monday, August 10, 2020 1:08 PM  
**To:** kim.porter@southbend-wa.gov  
**Subject:** Possible Dollar General

To The City of South Bend,

Hi, my name is Sarah, I've been a resident of South Bend for about three years and consider it my home. I recently heard that there is discussion about bringing a Dollar General to town and wanted to voice my concerns. I want to clearly say 'no' to this project. Many big box stores, and particularly this one, have a history of ruining the small towns they move into. They create very few new jobs, while also driving local stores out of business. South Bend is unique, and our local businesses are a huge part of that. Please consider the overall impact a decision like this would have on our community.

Thank you for your time,

Sarah Massin

**kim.porter@southbend-wa.gov**

---

**From:** dennis.houk@southbend-wa.gov  
**Sent:** Tuesday, August 18, 2020 1:23 PM  
**To:** Kim Porter  
**Subject:** FW: Legal Questions / DG Short Subdivision  
**Attachments:** Dollar General affidavit of publication DNS.pdf

---

**From:** dennis.houk@southbend-wa.gov <dennis.houk@southbend-wa.gov>  
**Sent:** Tuesday, August 18, 2020 11:02 AM  
**To:** dee.roberts@southbend-wa.gov  
**Cc:** 'Eric Noah' <enoah@g-o.com>; 'John Kliem' <jmkliem@comcast.net>  
**Subject:** FW: Legal Questions / DG Short Subdivision

FYI-

---

**From:** dennis.houk@southbend-wa.gov <dennis.houk@southbend-wa.gov>  
**Sent:** Tuesday, August 18, 2020 11:01 AM  
**To:** 'Harvest McCampbell' <harvest95546@yahoo.com>  
**Subject:** RE: Legal Questions / DG Short Subdivision

The Public Records Request asked for the Site Specific Shoreline Environment evaluation and Shoreline Permit application package, not the affidavit of publication for the DNS. Please see attached.

Dennis

---

**From:** Harvest McCampbell <harvest95546@yahoo.com>  
**Sent:** Tuesday, August 18, 2020 10:32 AM  
**To:** Harvest McCampbell <harvest95546@yahoo.com>  
**Subject:** Legal Questions / DG Short Subdivision

Legal Questions concerning the Dollar General Preliminary Short Subdivision

Planning Commission,

City Council,

City Officials,

City of South Bend;

Dollar General, Zaramba, SCJ Alliance - representative;

## Members of the Public

Dear Persons:

This is an introduction to a few issues concerning the Dollar General Preliminary Short Subdivision. I will be supplying more detailed information regarding the issues introduced below, on August 20<sup>th</sup>, at the end of the public comment period. At that time I will also be attaching files to document my statements. However, I feel it is imperative that I bring these issues to your attention now, so you have the time to begin looking into them before any decisions are made.

Two things are of particular concern. The first is the Determination of Nonsignificance. The second is the noncompliance of the proposed plat division with the City of South Bend's Shoreline Management Plan. A few members of the local community contacted me to help them in their research on these issues. Some of our findings are mentioned below.

First, on the Determination of Nonsignificance (DNS): The laws clearly state that a two week public comment period and a public hearing must be held before issuing or enacting a DNS. The laws also clearly states that public notice must be given. We have requested City of South Bend public records regarding this public notice, and no documentation has been provided; other documents were sent, however. One of them mentioned that there should be an affidavit of publication, which was not included. In addition, we have made a thorough search of the City of South Bend's website, and nothing was found there either. We have requested this record again, in different words; but it is unlikely that we will have an answer before the public comment period for the short subdivision ends. Unless there was adequate and clear public notification for the comment period for the DNS there is no valid DNS.

In addition, the laws clearly state that if new information is uncovered, or if nonfactual information was used on the Environmental Checklist that informed the decision to issue a DNS, that the DNS must be rescinded. We have documentation that chemical contaminants have been found on parcel # 14092733041, which is the parcel in question. We have filed a public records request for additional information regarding these contaminants, but it is unlikely we will have any records that may exist before the public comment period ends. In the meantime, a lot of research has been done on the history of the property, and there is a long history of railroad and heavy industry on and near the parcel in question. There were ample opportunities for chemical contamination to occur. The Environmental Checklist for the DNS claims there is no known chemical contamination. Whether that was a false statement, or if it is a new finding, it is reason to reverse the DNS and disprove the proposed plat division. More information on that contamination is needed and a mitigation plan should be developed and approved before the subdivision is approved.

It is also claimed, in the DNS, that the only recreational displacement will be the removal of the existing sea food stall on the property. However, the parcel has a long history of use by locals and travelers as a place to walk, walk their dogs, and to view and photograph the river and wildlife. Further, no mitigation is offered concerning the migratory shore birds that use the area and are protected by the Migratory Bird Act. Canadian geese and Killdeer (a type of plover) are known to use the area, and they are both protected. While development of lot 4 in the proposed subdivision will not completely displace these protected birds, development of the entire parcel will. Mitigation and protection should be a part of any proposed plat division, as well as public access. Which brings us to the City's Shoreline Management Program.

The City's Shoreline Management Program repeatedly emphasizes the necessity of providing public access to the shoreline in the form of trails and paths. As this property has long been a place people do walk, a simple publicly dedicated trail that ran the perimeter of the parcel from the Highway to the shoreline, and back to the highway with small parking lots at one or both ends should meet that requirement. As would any of a number of possible alternative plans. If this trail abutted set aside areas for killdeer and geese, both the needs or nature and people would be met. The current proposed subdivision does not provide any mitigation nor public access and is not in compliance with the Shoreline Management Program.

The Shoreline Management Program also requires that a site specific evaluation of the shoreline showing the 200 foot mark, wetland areas, and flood zones be conducted and that a map of this information be prepared for the parcel, and that an application for a Shoreline Permit must be made, (and that is just the beginning). We have requested these documents previously, and while some interesting documents were provided, they were not responsive to the request made. New public records requests have been made, but again, the information is unlikely to be made available before the close of the comment period.

The Dollar General Short Subdivision application should not be approved until these issues have been explored and resolved.

Thank you for your consideration,

Harvest McCampbell, research assistant and concerned member of the public

**kim.porter@southbend-wa.gov**

---

**From:** Heidi Stonebraker <heidiallyn2016@gmail.com>  
**Sent:** Friday, August 7, 2020 3:41 PM  
**To:** kim.porter@southbend-wa.gov  
**Subject:** Dollar General

Madame Mayor, South Bend City Council Members, City Planners,

It has come to my recent attention that a Dollar General store may already have been approved for South Bend.

As I read, with growing alarm and dismay, article after article about how this kind of business spells impending doom for small, rural communities like ours, I pray that there is still time to reconsider such a short-sided and ultimately destructive plan..

What, if any, benefit would a giant, multibillion dollar corporate entity that threatens the existence of businesses that have been part of this community for decades possibly offer South Bend?

I see zero benefit and a myriad of potential harms, the LEAST of which includes an UGLY BLIGHT of a box store on our beautiful waterfront. The worst possibility is that the existence of such an opportunistic vulture, that preys on the poor and the communities in which they live, would be the closure of Pioneer Grocery, Bud's Lumber and South Bend Pharmacy.

In earnest hope that this can be stopped,  
16-year resident of South Bend,  
Heidi Stonebraker

**From:** sandra ellwanger harris <sandyonbstreet@gmail.com>  
**Sent:** Friday, August 7, 2020 1:22 PM  
**To:** kim.porter@southbend-wa.gov  
**Subject:** Dollar Tree in South Bend

To the Mayor, Planners and Council members of South Bend, Wa.

I just learned that South Bend may allow a Dollar Tree to build on waterfront property. This is one of the worst things that could happen to a small community such as ours. The evidence of this is overwhelming. You just have to Google 'Dollar Tree's effect on small communities' for hours of heartbreaking reading. Stores like this don't bring the jobs they claim but rather steal the employees that have been laid off from established businesses that cannot complete. We have everything we need here provided by our local grocery and shops. While they do struggle a bit, they do a good job. Why would you want to undermine this delicate balance? Not to mention putting such a monstrosity on the water! The city should have water property designated specifically for things like hospitality, and always with access to the public, tourists and community members, alike. We should be building boardwalks and restaurants, not big box stores. This is a dark road we may not be able to come back from.

Last year, at a council meeting, I think, the Mayor said we were going to use the cities of La Connor, PT Townsend and Langley, as to model or future plans for S.B. This was a relief to know that our city leaders had an understanding of what it takes to maintain the integrity of a water town. How unique and important such a place is for it's residents and for tourism. We will be needing those tourist dollars in the future. I contacted Langley and La Conner to see if those communities were still free of the "invasive" box stores. City managers say they are "disallowed" or "banned". For all the reasons I'm discussing here. The Institute For Local Self Reliance says "In small towns...Dollar Trees are leading full service grocery stores to close...is making it impossible for new groceries and other local businesses to root and grow." I believe you need only to look at Astoria and Warrenton to see the picture clearly. Astoria at a certain point said no to franchises and box stores. They decided to be a 'destination'. Warrenton welcomed all the outsider boxes. Warrenton barely exists as a community now and nobody wants to live there.

Don't do this to us. You as much as made a promise to this community when you held up the towns of Langley and La Conner as models. You said you knew what we needed to do to get there. You are veering very far off track with Dollar tree. You could kill this town with such a bad decision.

Thank you for your serious consideration,

Sandra Ellwanger Harris  
360.875.0048

# Harvest McCampbell

P.O. Box 1084, Raymond WA 98577, [harvest95546@yahoo.com](mailto:harvest95546@yahoo.com)

8/20/20

Legal Questions concerning the Dollar General Preliminary Short Subdivision, Part 2

## **Dollar General: We Found Contaminants**

### **City of South Bend WA: Sounds Good**

What about the report you are legally required to make to the Department of Ecology?

What about cleanup and mitigation?

Oh no, we are not having any of that. We will just change the plat so the contamination ends up in the utility easement. You know, so that the workers and the community get exposed when the trenching for underground utilities is done.

That's your plan, right?

Planning Commission,  
City Council,  
City Officials,  
City of South Bend;  
Dollar General, Zaramba, SCJ Alliance - representative;  
Members of the Public

Dear Persons:

I sent out an introduction to a few of the issues concerning the Dollar General Preliminary Short Subdivision, on 8-18-20, in that document I state that I was asked to help some community members research a few issues regarding this proposed development. It has come to my attention that some of the emails I sent through the City's portal may have had significant errors. I have attached a PDF of the original document to this email, in case what you received was not easily readable.<sup>(1)</sup> In that e-mail, I promised to supply more detailed information regarding these issues, which is what you will find included below.

Two complicated legal issues remain particularly concerning. The first is the Determination of Nonsignificance.<sup>(2)</sup> The second is the noncompliance of the proposed plat division with the City of South Bend's Shoreline Management Program.<sup>(3)</sup>

First, on the Determination of Nonsignificance (DNS):<sup>(2)</sup> The laws clearly state that a two week public comment period and a public hearing must be held before issuing or enacting a DNS. The laws also clearly states that public notice must be given.<sup>(4)</sup> We have requested City of South Bend public records regarding this public notice, and no documentation has been provided; other documents were sent, however. One of them mentioned that there should be an affidavit of publication, which was not included. In addition, we have made a thorough search of the City of South Bend's website, and nothing was found there either. We have requested this record again, in different words; and have been informed that the City expects to send provide the record by September 1, 2020, unless they require another extension. If there was not adequate and clear public notification for the comment period for the DNS there is no valid DNS.

In addition, the laws clearly state that if new information is uncovered, or if nonfactual information was used on the Environmental Checklist that informed the decision to issue a DNS, that the DNS must be withdrawn.<sup>(5)</sup> We have documentation that **chemical contaminants have been found on parcel # 14092733041**, which is the parcel in question. This documentation consists of an email dated 6-18-20, from Ross Jarvis, who is acting as the agent for the project. In the email he requests that the hearing for the plat division be rescheduled, because **they need to redraw the plat because they found contamination.**<sup>(6)</sup> We have filed a public records request for additional information regarding these contaminants. The City has stated that they expect to fulfill this public record request by September 1, unless they find that they need another extension.

In the meantime, a lot of research has been done on the history of the property, and there is a long history of railroad and heavy industry on and near the parcel in question. This is easy to document, through historical photographs and through a title search. There were ample opportunities for chemical contamination to occur.

Further, in a letter from the Department of Ecology, addressed to Dennis Houk, dated June 4, 2020, it is stated that the " . . . **property is within a quarter mile of several known or suspected contaminated sites.**" It also states that, **"If contamination of soil . . . is revealed by sampling, the Department of Ecology must be notified."**<sup>(7)</sup>

The Environmental Checklist for the DNS claims there is no known chemical contamination. Whether that was a false statement, or if the contamination is a new finding, it is reason to reverse the DNS and disprove the proposed plat division. More information on that contamination is needed and a cleanup and mitigation plan should be developed and approved, with a cleanup plan in place, before the subdivision plat is approved.<sup>(5,7)</sup>

It is also claimed, in the DNS, that the only recreational displacement will be the removal of the existing sea food stall on the property. However, the parcel has a long history of use by locals and travelers as a place to walk, walk dogs, and to view and photograph the river and wildlife. Further, no mitigation is offered concerning the migratory shore birds that use the area and are protected by the Migratory Bird Act. Canadian geese and Killdeer (a type of plover) are known to use the area, and they are both protected.<sup>(8)</sup> While development of lot 4 in the proposed subdivision will not completely displace these protected birds, development of the entire parcel will. Mitigation and protection should be a part of any proposed plat division, as well as public access. Which brings us to the City's Shoreline Management Program.<sup>(3)</sup>

The City's Shoreline Management Program repeatedly emphasizes the necessity of providing public access to the shoreline in the form of trails and paths. As this property has long been a place people to walk, a simple publicly dedicated trail that ran the perimeter of the parcel from the Highway to the shoreline, and back to the highway with small parking lots at one or both ends should meet that requirement. As would any of a number of other possible plans. If this trail abutted set aside areas for killdeer and geese, both the needs of nature and people would be met. The current proposed subdivision does not provide any mitigation nor public access and is thus not in compliance with the Shoreline Management Program.

The Shoreline Management Program also requires that a site specific evaluation of the shoreline showing the 200 foot mark, wetland areas, and flood zones be conducted and that a map of this information be prepared for the parcel,<sup>(9)</sup> and that an application for a Shoreline Permit must be made,<sup>(10)</sup> (and that is just the beginning). We have requested these documents previously, and while some interesting documents were provided, they were not responsive to the requests made. New public records requests have been made. Again, the City has stated that they will be provided on or before September 1, 2020, unless they decide to extend the date further.

The Dollar General Short Subdivision application should not be approved until these issues have all been researched and resolved.

Harvest McCampbell, research assistant and concerned member of the public

See End Notes, next page.

End Notes

- (1) Part one, Dollar General 3, attached.
- (2) Determination of Nonsignificance (DNS) & Environmental Checklist, attached. From a Public Records Request, attached.
- (3) Google "City of South Bend WA Shoreline Management Program." WA State Department of Ecology has a PDF of the entire document accessible to the public.
- (4) The DNS States that it is issued under WAC 197-11-340(2). If you type the code into a search engine you can pull up the law on the official State of WA page. Under this code, in section (b) you are referred to WAC 197-11-510, where you find that the City is required to give public notice. The City of South Bend WA Municipal Code 14.05.260 on Public Notice, clearly states that public notice shall be given by publishing in the newspaper, and by mailing notices to the nearby property owners. If you search on City of South Bend WA Municipal Code, you will find it posted on <https://codepublishing.com>. This particular code is found under Title 14, Environment.
- (5) See WAC 197-11-340(3)(a) subsections (i) and (ii).
- (6) PDF of Ross Jarvis's email to the Dennis Houk, divulging the **chemical contamination** and asking to postpone the public hearing on the proposed plat so that DG can locate their lot a little further from the contamination. See attached PDF "Contamination." This was obtained as part of a public records request.
- (7) Department of Ecology letter to Dennis Houk, discussing the fact that the proposed development must be consistent with the City's Shoreline Master Program (which the City calls its Shoreline Management Program). It goes on to talk about **toxics clean up**; which, of course is necessary before development. See PDF "ECY Comments," provided by the City in response to a public records request, attached.
- (8) Information on the Migratory Bird Act can easily be found by employing any search engine. A phone call to Washington State Department of Fish and Wildlife would also be instructive.
- (9) See the City of South Bend's Shoreline Management Program, <sup>(3)</sup>page 7, Section 2.2.2, inclusive.
- (10) See the City of South Bend's Shoreline Management Program, <sup>(3)</sup>page 7, Section 2.1.1. B; and page 40, Section 6.2.1. Also see (7) above.
- (11) PDF version of this letter, attached.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

June 4, 2020

Dennis Houk, City Supervisor  
City of South Bend  
1102 West First Street  
South Bend, WA 98586

Dear Dennis Houk:

Thank you for the opportunity to comment on the determination of nonsignificance for the Dollar General Store Project as proposed by Zaremba Group, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:**  
**Zachary Meyer, Wetlands/Shorelands Specialist (360) 407-6167**

The proposed development must be consistent with the City of South Bend Shoreline Master Program (SMP) and will require shoreline permitting. For questions or technical assistance, please contact Ecology Wetlands/Shorelands Specialist, Zachary Meyer, via email at [Zachary.Meyer@ecy.wa.gov](mailto:Zachary.Meyer@ecy.wa.gov) or by phone at (360) 407-6167.

**SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

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 local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**TOXICS CLEANUP: Jackson Barnes (360) 407-6248**

This property is within a quarter mile of several known or suspected contaminated sites. The sites are Time Oil, FSID #98441925 and Inn Grocery, FSID #74851343. To search and access information concerning these sites see <http://www.ecy.wa.gov/fs/> and <https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx>. If contamination is suspected, discovered, or occurs during the proposed development, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by sampling, the Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Andrew Smith with the Toxics Cleanup Program at the Southwest Regional Office at (360) 407-6316.

**WATER QUALITY/WATERSHED RESOURCES UNIT:  
Sheila Marcoe (360) 407-6329**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
  - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
  - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
  - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Dennis Houk  
June 4, 2020  
Page 3

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(GMP:202002683)

cc: Zachary Meyer, SEA  
Derek Rockett, SWM  
Jackson Barnes, TCP  
Sheila Marcoe, WQ

[dennis.houk@southbend-wa.gov](mailto:dennis.houk@southbend-wa.gov)

---

**From:** Dennis Houk <[dennis.houk@southbend-wa.gov](mailto:dennis.houk@southbend-wa.gov)>  
**Sent:** Thursday, June 18, 2020 2:11 PM  
**To:** Dora Miller; Eric Noah  
**Subject:** Ford Dollar General South Bend - Short Plat

**Flag Status:** Flagged

FYI felias-

----- Forwarded message -----  
**From:** Dennis Houk <[dennis.houk@southbend-wa.gov](mailto:dennis.houk@southbend-wa.gov)>  
**Date:** Thu, Jun 18, 2020 at 2:20 PM  
**Subject:** Re: Dollar General South Bend - Short Plat  
**To:** Ross Jarvis <[ross.jarvis@scialliance.com](mailto:ross.jarvis@scialliance.com)>  
**CC:** John Kiem <[jkciem@cccobmpia.com](mailto:jkciem@cccobmpia.com)>

Sounds good Ross, thanks for the update.

Dennis

On Thu, Jun 18, 2020 at 10:41 AM Ross Jarvis <[ross.jarvis@scialliance.com](mailto:ross.jarvis@scialliance.com)> wrote:

We received the soil samples back from the testing company and received positive results for this project. There were some contaminants on the east property line, but they don't encroach onto the site. However, our client has asked us to shift the site to the southwest so there are no contaminants on their site. This will require tweaks to the short plat and civil engineering documents.

We should postpone the June 25<sup>th</sup> hearing date. We will revise our documents and submit them as soon as we can. We can reschedule the hearing once the City and your consultant have reviewed the documents.

Thanks,

Ross Jarvis, PE

SCJ Alliance

*Principal, Civil Engineering Manager*

a. 360.352.1465, ext. 351

# Harvest McCampbell

P.O. Box 1084, Raymond WA 98577, [harvest95546@yahoo.com](mailto:harvest95546@yahoo.com)

8/18/20

## Legal Questions concerning the Dollar General Preliminary Short Subdivision

Planning Commission,  
City Council,  
City Officials,  
City of South Bend;  
Dollar General, Zaramba, SCJ Alliance - representative;  
Members of the Public

Dear Persons:

This is an introduction to a few issues concerning the Dollar General Preliminary Short Subdivision. I will be supplying more detailed information regarding the issues introduced below, on August 20<sup>th</sup>, at the end of the public comment period. At that time I will also be attaching files to document my statements. However, I feel it is imperative that I bring these issues to your attention now, so you have the time to begin looking into them before any decisions are made.

Two things are of particular concern. The first is the Determination of Nonsignificance. The second is the noncompliance of the proposed plat division with the City of South Bend's Shoreline Management Plan. A few members of the local community contacted me to help them in their research on these issues. Some of our findings are mentioned below.

First, on the Determination of Nonsignificance (DNS): The laws clearly state that a two week public comment period and a public hearing must be held before issuing or enacting a DNS. The laws also clearly states that public notice must be given. We have requested City of South Bend public records regarding this public notice, and no documentation has been provided; other documents were sent, however. One of them mentioned that there should be an affidavit of publication, which was not included. In addition, we have made a thorough search of the City of South Bend's website, and nothing was found there either. We have requested this record again, in different words; but it is unlikely that we will have an answer before the public comment period for the short subdivision ends. Unless there was adequate and clear public notification for the comment period for the DNS there is no valid DNS.

In addition, the laws clearly state that if new information is uncovered, or if nonfactual information was used on the Environmental Checklist that informed the decision to issue a DNS, that the DNS must be rescinded. We have documentation that chemical contaminants have been found on parcel # 14092733041, which is the parcel in question. We have filed a public records request for additional information regarding these contaminants, but it is unlikely we will have any records that may exist before the public comment period ends. In the meantime, a lot of research has been done on the history of the property, and there is a long history of railroad and heavy industry on and near the parcel in question. There were ample opportunities for chemical contamination to occur. The Environmental Checklist for the DNS claims there is no known chemical contamination. Whether that was a false statement, or if it is a new finding, it is reason to reverse the DNS and disprove the proposed plat division. More information on that contamination is needed and a mitigation plan should be developed and approved before the subdivision is approved.

It is also claimed, in the DNS, that the only recreational displacement will be the removal of the existing sea food stall on the property. However, the parcel has a long history of use by locals and travelers as a place to walk, walk their dogs, and to view and photograph the river and wildlife. Further, no mitigation is offered concerning the migratory shore birds that use the area and are protected by the Migratory Bird Act. Canadian geese and Killdeer (a type of plover) are known to use the area, and they are both protected. While development of lot 4 in the proposed subdivision will not completely

displace these protected birds, development of the entire parcel will. Mitigation and protection should be a part of any proposed plat division, as well as public access. Which brings us to the City's Shoreline Management Program.

The City's Shoreline Management Program repeatedly emphasizes the necessity of providing public access to the shoreline in the form of trails and paths. As this property has long been a place people do walk, a simple publicly dedicated trail that ran the perimeter of the parcel from the Highway to the shoreline, and back to the highway with small parking lots at one or both ends should meet that requirement. As would any of a number of possible alternative plans. If this trail abutted set aside areas for killdeer and geese, both the needs of nature and people would be met. The current proposed subdivision does not provide any mitigation nor public access and is not in compliance with the Shoreline Management Program.

The Shoreline Management Program also requires that a site specific evaluation of the shoreline showing the 200 foot mark, wetland areas, and flood zones be conducted and that a map of this information be prepared for the parcel, and that an application for a Shoreline Permit must be made, (and that is just the beginning). We have requested these documents previously, and while some interesting documents were provided, they were not responsive to the request made. New public records requests have been made, but again, the information is unlikely to be made available before the close of the comment period.

The Dollar General Short Subdivision application should not be approved until these issues have been explored and resolved.

Thank you for your consideration,

Harvest McCampbell, research assistant and concerned member of the public

**kim.porter@southbend-wa.gov**

---

**From:** ROSEMARIE LECLAIR <rosemarie74@comcast.net>  
**Sent:** Wednesday, August 19, 2020 3:25 PM  
**To:** kim.porter@southbend-wa.gov  
**Subject:** Dollar General Short Subdivision

Hi Kim:

I wanted to make the Planning Commission - South Bend City Council aware of my concern about the protection of the "roadway easement" adjoining the Riverbend Condos.

In the past there has been considerable traffic through our parking lot. You would think the driver was preparing for "The Indianapolis Speedway"! I have more than once envisioned someone backing out of their garage as a car sped by! So, you can only imagine the results.

Can we be given any assurance this roadway easement will be protected and not become a speedway with major traffic?

Thank you,

Rosemarie LeClair  
P O Box 133, 107 E. Robert Bush Dr.  
South Bend, WA 98586



## **RECOMMENDATION OF THE SOUTH BEND PLANNING COMMISSION Dollar General Preliminary Short Subdivision**

### **Summary of Recommendation**

The Planning Commission recommends that the City Council approve an application for a four-lot preliminary short subdivision proposed by Dollar General, LLC.

### **Summary of Record**

#### **Request**

The Zaremba Group LLC has applied for a preliminary short subdivision to divide Parcel #14092733041 into four separate lots. The location of the proposed short subdivision is on the 300 block of East Robert Bush Drive.

The short subdivision will divide Lot 4 of the original Triplett Short Plat into four lots. Lot 1 will be 118,867 SF, Lot 2 will be 90,355 SF, Lot 3 will be 100,080 SF, and Lot 4 will be 42,312 SF. (See Appendix A for applicant application materials.)

#### **Procedural History and Hearing**

- Application Date: March 20, 2020
- Determination of Completeness: March 27, 2020
- Notice of Application: July 29, 2020
- SEPA Review: This project is exempt under WAC 197-11-800(6)(d)
- Open Record Public Hearing before Planning Commission: August 20, 2020

#### **Testimony**

The following individuals provided written and oral testimony at the hearing:

- John Kliem, CCS, Inc., consulting land use planner for the City of South Bend
- Dennis Houk, City Supervisor, City of South Bend

- To be listed

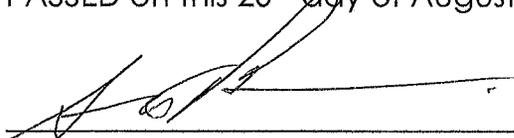
## Findings

1. The city completed the application and review procedures for the Preliminary Short Subdivision application as under Chapter 15.08 SBMC.
2. The Planning Commission has jurisdiction to review the Preliminary Short Subdivision application and prepare a recommendation for the consideration by the City Council as provided under Section 15.64.050 SBMC.
3. After the review of the application and considering the testimony at the public hearing, the Planning Commission finds that the proposed preliminary short subdivision:
  - A. Conforms to the city's Comprehensive Plan and Unified Development Code;
  - B. Is consistent with surrounding land uses within the Downtown and Commercial District;
  - C. Has made appropriate provisions for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds;
  - D. Assures safe walking conditions for people who use them, including students who walk to and from school;
  - E. Will have adequate capital facilities in place and provided by the city concurrently with the expected development in accordance with the Comprehensive Plan;
  - F. Will serve the public interest, including dedication of public easements for maintenance of utilities; and
  - G. The design, shape, size, and orientation of the proposed short subdivision is appropriate and are compatible with the character of the area in which they are located;

## Decision

Based on these findings, the Planning Commission recommends that the City Council approve the Dollar General application for the preliminary short subdivision of Parcel #14092733041 into four lots.

PASSED on this 20<sup>th</sup> day of August 2020.



---

Scot Pearson

Planning Commission Chair

## **EMERGENCY EXECUTIVE ORDER CITY OF SOUTH BEND, WASHINGTON**

**WHEREAS**, novel Coronavirus COVID-19, a respiratory disease that can result in serious illness or death, is caused by a new strain of coronavirus that had not been previously identified in humans and has proven it can easily spread from person to person; and,

**WHEREAS**, the U.S. Center for Disease Control and Prevention (CDC), has identified a potential public health threat posed by COVID-19 both globally and within the United States, including within Washington State; and,

**WHEREAS**, there are documented cases of COVID-19, including deaths caused thereby, within Washington State; and,

**WHEREAS**, the Washington State Department of Health has confirmed the person-to-person spread of COVID-19 and is finding an increasing risk of exposure and infection to the general public due to its potential to spread quickly; and,

**WHEREAS**, the U.S. Department of Health and Human Services declared a public health emergency for COVID-19 on January 31, 2020; and,

**WHEREAS**, Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19 on February 29, 2020; and,

**WHEREAS**, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and,

**WHEREAS**, there is an emergency present which necessitates this Emergency Executive Order.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR OF THE CITY OF SOUTH BEND, WASHINGTON:

1. An emergency is hereby declared as defined under South Bend Municipal Code (SBMC) Chapter 2.07 and Chapter 38.52 RCW that COVID-19 is a civil public health emergency that exists within the boundaries of Pacific County, Washington that could have an impact on the citizens of South Bend and which:
  - A. Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences; and
  - B. Could, if unattended, seriously affect the safety, health, or welfare of a substantial number of citizens of the City, or preclude the operation or use of essential public services and facilities with such magnitude or severity as to necessitate seeking state or county supplementation of local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced.
2. **Authority.** This Emergency Executive Order authorizes the undersigned to exercise such emergency powers as may be lawful under SBMC Chapter 2.07, Chapter 38.52 RCW,

and any other applicable laws, regulations or ordinances, such as RCW 39.04.280(3) for emergency procurement. Effective upon signature hereto, the undersigned will exercise such lawful authority through the use and direction of City personnel, services, equipment and such additional acts as the undersigned may find necessary in their sole discretion to manage this emergency.

3. **Powers.** Per SBMC 2.07, RCW 39.04.280(3), and Chapter 38.52 RCW, the Mayor shall have all necessary powers as outlined in law to prepare for, prevent and respond to this emergency, including, by way of example and not limitation, making necessary rules and regulations reasonably related to the emergency, to obtain supplies, equipment, personal property, professional, procured or technical services, etc. (including selecting and awarding such contracts as necessary), such public works as defined by RCW 39.04.010, to authorize overtime for personnel, to requisition personnel and material, obtain emergency funding and permitting through federal, state and local agencies, to delegate authority when necessary or appropriate, and take such other lawful acts as may be necessary and reasonably related to the emergency situation declared hereunder. The Mayor shall, as early as practical following action, keep the City Council informed of all action taken under this Section 3.
4. **City Hall and Staffing.** While staff functions will remain the same, in order to protect the public health, the Mayor is authorized to modify working hours, City Hall operations, and the degree to which City facilities are open to the public. Members of the public are encouraged to communicate with City staff via telephone and email, and to make use of the information and resources available through the City's website. Building permit applications and other submissions to the City can be made electronically during this time period. The City will continue to monitor the situation and will communicate any changes to the public.
5. **City Council.** At this time the City will seek to place only essential business on future City Council agendas until such modifications are no longer necessary and will seek to utilize technology to conduct such meetings remotely with a mechanism in place for the public to attend the meetings through electronic means if deemed necessary.
6. **Termination.** This Emergency Executive Order shall terminate when the Governors mandate ceases.

**Signed** this 24<sup>th</sup> day of August, 2020.

---

Julie K. Struck, Mayor  
City of South Bend, Washington

ATTEST

---

Dee Roberts, Clerk/Treasurer