



Kelso Planning Commission Agenda

Meeting at 6:00 p.m.

Tuesday, February 12, 2013

203 South Pacific Ave., City Hall Council Chambers

Agenda	Approved/ Denied	Remarks
Call to Order: 1. Roll Call		
Approve Minutes: 1. January 8, 2013 Regular Meeting		
Presentation: 1. MURP Program – South Kelso Neighborhood Revitalization & Action Plan 2. Shoreline Master Program (SMP) Regulatory Approach Options 2 presented by Parametrix		
Citizen Business:		
Action/Motion Items: 1. Planning Commission Rules and Regulations		
Commission Business: 1. Zoning Code a. Upcoming Modifications/Revisions Discussion		
Adjournment: Next Meeting March 12, 2013 at 6:00 p.m.		

City of Kelso Community Development Department (360) 423-9922



Kelso Planning Commission Meeting Minutes
Tuesday, January 8, 2013
7:02pm – 8:26pm

Commissioners Present:

Dan Jones, Patricia VanRollins, Toby Tabor (late arrival), James Webb, Rick VonRock, Jared Wade, Clark Hislop

Staff Present: Nancy Malone, Community Development Manager; Stephanie Helem, Recording Secretary

Call to Order:

Chair Patricia VanRollins called the meeting to order at 7:02 pm.

Minutes:

Commissioner VonRock made the motion, seconded by Commissioner Wade to approve the minutes of November 13, 2012. Motion carried, all in favor.

Citizen Business:

David LaFave, 401 Cowlitz Way, Kelso WA. Requesting zoning change which he believes is more of a correction than zoning change. History - His wife has been operating a business for the last 8 years at 401 Cowlitz Way. When the house was purchased 8 years ago in the beginning phase of purchasing they were advised by city staff at the time that they needed to expedite the purchase because city staff was in the process of changing the zoning for that house and cleaning up some areas up there. It's clearly a residential structure, single family dwelling. It was zoned commercial at the time and the city said if they hurried up and made the purchase and got the business established before the zoning change occurred, it would be an existing business and if at any time the LaFave's changed the occupancy they needed to know that it would then be zoned residential. This was fine with them (LaFave). Ultimately their plan for future investment and retirement was to run the business for a number of years and then possibly rent the house or sell it as a home or even considered selling their place in Rose Valley and move into town.

Recently what has occurred is his wife has gotten more involved with the downtown development and revitalization and has been going to the downtown committee meetings. With this came the opportunity where she made a business decision to rent the space directly across from city hall, in the old Rexall Drug space, from the Masonic Lodge and move her business downtown. Her goal is to get her business established and be part of this core area and hopefully bring a viable and appealing business down to this area that helps with revitalization.

They have been working with Nancy and they found the zoning has never occurred. The issue they have is they can only sale the property as a business and can't sale it as a residence. The ability to do that is extremely limited and very narrow. In researching it and talking to staff and looking into the history, one of the things he found out is at the same period of time when his property was supposed to be rezoned, two council members at the time, Alan Slater and Todd McDaniel's homes were in the same situation and status that there home was in and their zoning went through. The house sits in a clearly residential area. It's the only commercial piece of property, everything around it is residential. For them the history of the home has always been a residence. His wife's idea was to develop an environment for knitting, it is a fine yarn and knit shop, that people would come in and feel like they were in a home environment. With the change and opportunity she's got a vision that fits with the city's planning and downtown revitalization. She has already engaged in and started the remodel effort, repainting, and establishing her business.

The house they have up there should be zoned residential. Some of the conversations he has had with Nancy, there is the possibility this could be done as a clean up measure. Something that should have occurred at some other time. Nancy does not have the history of it because as staff has changed she doesn't know how that has evolved.

We believe in the direction the city is going and he supports the actions of the city and trying to develop and revitalize the core in a commercial and business area that is helping to sustain city efforts and direction.

They can't sell the house if it is zoned commercially because there is no market for it. The longer that they are in that situation they risk losing something. They are trying to maintain the Cowlitz Way property and the lease downtown. They have photographs that clearly show it is a residence and everything around it is residential.

Nancy's response: Nancy does not have any history of the rezone that happened in that area. She would need an approximate date if David could talk to Todd or Mr. Slater to see when that rezone actually occurred. Then she can go back to an ordinance and resolution and read the legals, address, and parcel number to research it. It has happened in the past, places that have been rezoned and for whatever reason had not been reflected on the zoning map and corrections have had to be made. Nancy and Mr. LaFave need direction from the Planning Commission. Discussion followed.

It could possibly be a Scribner error. More research will need to be done.

MOTION: Commissioner Webb made the motion, seconded by Commissioner VonRock, if zoning is found to be in error expedite ordinance and resolution to council for approval without having to go through Planning Commission. Motion carried, all in favor.

Presentation:

Shoreline Master Program (SMP) Regulatory Approach Options (PowerPoint) presented by Parametrix, David Sherrard, Project Manager. David Sherrard is standing in for Jennifer Hughes, Parametrix Planner, as she is ill. A memo was sent to the Planning Commission as part of the agenda that had references to provisions of the Washington administrative code and options and recommendations. David gave an overview with the PowerPoint presentation of those issues with illustrations that were not practical to include in the memorandum. What Parametrix needs is Planning Commission's input and whether they should proceed with a direction on opportunity areas for water related uses. Background – Currently they are in the middle of the process and are developing the Shoreline Master Plan. Had a public visioning meeting last year. Devoting three meetings, more if needed. The Shoreline Management Act was passed in 1971 and has a couple of major goals encouraging water dependent use, promoting public access, protecting natural resources, providing for restoration of ecological functions. Today's discussion will be about the structure of the plan, the provision for shorelines of statewide significance, water oriented use and public access. There will be two additional meetings to go over additional items. Based on those meetings and the Commission's input Parametrix will put together a draft for the Commission's review and to the Department of Ecology and the rest of the world.

Should there be a standalone document or should this be integrated with the comprehensive plan and regulations/code? Commission agreed with Parametrix's recommendation of the Shoreline Master Program to be integrated with the comprehensive plan and regulations/code. Discussion followed.

Commission Webb expressed his concern about protecting private property owner's capability for using their land for what they want to use it for or for what they want to leave it for in the future. In March Parametrix will talk about nonconforming uses.

MOTION: Commissioner VonRock made the motion seconded by Commissioner Wade to integrate the Shoreline Master Program with the comprehensive plan and regulations/code.

Business:

1. **Introduction of newly appointed Planning Commissioner – Clark Hislop.** He and his wife have lived in north Kelso for about 20 years. They have raised his children in the Kelso School District. Wanted to get more actively involved with the city. He was welcomed by the commission.
2. **Planning Commission Meeting Time.** Discussion on changing the meeting time from 7:00pm to 6:00pm. All commissioners are in favor of future meetings to be held at 6:00pm.
3. **Planning Commission Rules of the Commission.** Document found from 2008. City staff is not sure if this document was adopted. All commissioners that signed at that time are no longer on the Commission.
4. **Open Meeting Act Meeting.** The Kelso City Manager has encouraged Council, Planning Commission and city staff to attend this meeting February 26, 2013 at 6:00pm in the council chambers. Meeting is intended to go over rules and regulations on how to run a meeting.
5. **Zoning Code Discussion.** Nancy Malone
 - a. **Upcoming Modifications/Revisions Discussion.** The more Nancy goes through the code book the more mistakes are found. She is working on the language within the code book. There has been discussion on the uses for the downtown core whether we want to keep retail on the bottom and office on the second floor or whether not to be so restrictive in what can be done on the first floor. These are some of the things Nancy will be bringing to the Commission.
 - b. **Cottage Housing Ordinance.** Maul Foster Alongi will be working with the city for this language. Pictures/display was provided to the Commission for an idea of what cottage housing could look like. Houses would be from 800 to 1200 sq.ft. Typically this type of housing is for low/moderate income households. When writing the cottage housing code the city wants to make it affordable, esthetically pleasing, that parking is provided, open space is provided, maybe a common area or common garden area. Working on grant funding to start this program. Discussion followed.
 - c. **Zoning Map Update/Corrections.** Nancy has found several areas on the zoning map that are in error. When the zoning changed the map did not get updated. Nancy will be bringing to the Commission a comprehensive plan change and zoning change for the Tam O' Shanter Park. Part of this is zoning multi-family instead of open space. Not sure if this was an oversight. The comprehensive map is also getting cleaned up. She has found code, ordinances and resolutions that address those specific pieces of property. Discussion followed.
6. **Nuisance Abatement.** Nancy Malone
 - a. There have been people that have been a problem for the city for quite some time and Jon has been able to get them to clean up their property. This position is part-time, Jon works Tuesday, Wednesday, and Thursday. The building inspector works Tuesdays and Thursdays.

7. **Visitors Center.** Commissioner VonRock - Last council meeting it was talked about getting rid of the Visitors Center or selling it or taking it down? Is this going to come to the Commission or to Nancy? He heard it is a staggering amount of money to build something that does not have a real foundation. The state owns the property and you cannot put a cement foundation on the property. Can we get the state to turn this over to us (city)? Discussion followed.

Adjournment:

There being no further business, Commissioner VonRock motioned to adjourn and Commissioner Jones seconded to adjourn at 8:26pm.

Patricia VanRollins, Planning Commission Chair

Respectfully submitted:
Stephanie L. Helem, Recording Secretary

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CITY OF KELSO PLANNING COMMISSION

RULES OF THE COMMISSION

SECTION I: AUTHORITY

- 1.1 Title 2.60.010 of the Kelso Municipal Code and 35A.63.020 RCW authorize the creation of a "Planning Agency" to be known as the Kelso Planning Commission. Said agency serves in an advisory capacity to city officials and to the City Council. The Planning Commission consists of seven regular members.
- 1.2 The seven regular members shall be appointed by the Mayor subject to confirmation by the City Council.
- 1.3 Terms of the members shall be as follows:
- Positions 1, 2, and 3 shall have their terms expire in November of the same year.
 - Positions 4, 5, 6 and 7 shall have their terms expire in November of the same year two years hence.
- 1.4 Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after a public hearing, by the appointing official, with the approval of the City Council for inefficiency, neglect of duty or malfeasance in office.
- 1.5 At least five (5) members of the Planning Commission shall be residents of the city. Up to two (2) members need not be residents of the city but shall reside within the city's urban growth area. In the event a Planning Commission member is serving, who is not a resident of the city, such person shall not be authorized to serve as Planning Commission Chair. In the further event that a duly appointed member shall move from within the city to outside the city, that person may remain on the Planning Commission with the consent of the mayor and approval of the council for the duration of the unexpired term.
- 1.6 The Planning Commission shall have all the powers and perform each and all of the duties specified by Chapter 35A.63 RCW, together with any duties or authority which may be conferred upon them by statute or ordinance. The performance of such duties and the exercise of such authority shall be subject to each and all of the limitations expressed in such legislative enactment or enactments.
- 1.7 The position of a member shall be forfeited and become vacant for failure to attend three regular consecutive meetings of the Planning Commission, unless such absence is excused by a majority of the members of the Planning Commission.

SECTION II: OFFICERS

- 2.1 The officers of the Planning Commission shall consist of a Chair and Vice-Chair elected from the members of the Planning Commission, and such other officers of the Planning Commission may, by majority vote, approve and appoint. The Director of the Community Development Department or designee shall serve ex-officio without vote as the Secretary.

2.2 The election of officers shall take place once a year on the occasion of the first meeting in January of each calendar year. The term of office of each officer shall run until the subsequent election, provided however, any officer may be removed at any time by vote of the Planning Commission entered on record. If for any reason Planning Commission officers are not elected at the first January meeting, the existing members shall continue to serve until an election is held.

SECTION III: CHAIR

3.1 The Chair shall preside over the meetings of the Planning Commission and may exercise all the powers usually incident to the office retaining, however, as a member of the Planning Commission, the full right to have a vote recorded in all deliberations of the Planning Commission.

3.2 The Chair shall have full power to create temporary committees of one or more members. Temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the Planning Commission. No standing or temporary committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without the approval of the Planning Commission. No committee shall constitute a quorum of the Planning Commission.

3.3 The Vice-Chair shall, in the absence of the Chair, perform all the duties incumbent upon the Chair.

3.4 In the absence of both the Chair and Vice-Chair, the members present shall choose a temporary Chair for the meeting.

SECTION IV: SECRETARY

4.1 The Secretary shall keep a record of all meetings of the Planning Commission and, when requested to do so of its committees, these records shall be retained in the office of the City of Kelso Community Development Department.

4.2 When the Chair of the Planning Commission is not available, the Secretary is authorized to sign minutes, recommendations, findings of fact and other Planning Commission documents for the Planning Commission subsequent to action on these matters by the Commission.

SECTION V: MEETINGS

5.1 All regular meetings will be held in the City of Kelso Council Chambers, Kelso, Washington, unless otherwise scheduled and noticed in advance and shall be open to the public.

5.2 All regular meetings shall be held the second Tuesday of each month and will begin at 6:00 p.m., or as soon thereafter as practical.

5.3 When it appears to the Secretary that the amount of business to be transacted at an upcoming regular meeting is in excess of that which could be completed prior to 9:00 p.m.,

the Secretary may arrange for a scheduled time, place and date for a continuation of the meeting. If a continuation is scheduled in advance, the Secretary shall prepare a joint agenda which clearly indicates the time, place and date of the continued meeting and which enumerates the items of business to be held each day. No item of business set for the continued meeting date shall be heard previously. Prior to the start of the regular meeting, a copy of the agenda shall be conspicuously posted near the entrance to the meeting place. Any regular meeting scheduled for continuance by the Secretary under this section shall be automatically continued to the date, time and place so scheduled.

5.4 When a regular meeting day falls on a legal holiday, the Planning Commission shall convene on the next regular business day. Provided, however that the regular meeting shall be scheduled in the week prior to or immediately following the Thanksgiving and Christmas/New Year holidays.

5.5 The Planning Commission may adjourn any meeting over to the next regular meeting by a majority vote of the quorum or may designate a specific day, time and place, but such order shall apply only to the date and time named in the order.

5.6 Special meetings shall be at the call of the Chair, by the Secretary in consultation with the Chair or at the written request of at least four appointive members of the Planning Commission; provided that written notice of such special meeting so called shall be delivered personally, by facsimile, e-mail or by the U.S. Postal Service at least twenty-four hours before the time of such meeting as specified in the notice to each member and to each local newspaper of general circulation which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Each local radio or television station that has on file with the governing body a written request to be notified of such special meeting or of any special meetings shall also be notified. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Such written notice may be dispensed to any member who has on file with the Secretary a written waiver of notice of all special meetings or who, prior to or at the time of any special meeting, files a written notice may also be dispensed with as to any member who is actually in attendance at any special meeting.

5.7 Whenever any Planning Commission agenda item is continued to the next regular meeting or to a special meeting, a notice of such continuance shall be conspicuously posted on the next business day immediately after the time of continuance on or near the door of the place where the meeting was held.

5.8 If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a regular meeting may be cancelled at the call of the Chair or Secretary. Notice of cancellation may be communicated to Planning Commission members telephonically or by email.

5.9 Should there not be a quorum of the Planning Commission present; the members present shall adjourn to the next regular meeting, unless a special meeting is called as provided in these rules. In the case that no members are present, the Secretary shall adjourn to the next regular meeting unless a special meeting is scheduled as provided in these rules.

5.10 All meetings of the Planning Commission shall be recorded. The Secretary shall cause minutes of the meetings to be prepared in a timely manner.

5.11 Except as modified by these Rules of the Planning Commission, Robert's Rules of Order shall govern the conduct of meetings.

SECTION VI: AGENDA

6.1 An agenda shall be prepared by the Secretary for each meeting, which shall substantially conform to the following outline for the order of business:

- I. Call to Order:
 1. Roll call
- II. Approval of Minutes:
- III. Presentations:
- IV. Explanation of rules of procedures (for hearings):
- V. Citizen Input:
- VI. Action/Motion Items:
- VII. Commission Business:
- VIII. Date of next regular or special meeting.
- IX. Adjournment or continuance to a date, place and time certain

SECTION VII: QUORUM

7.1 A simple majority of the currently appointed members shall constitute a quorum for the transaction of business, except as provided in section 7.2 below. The Planning Commission can receive reports or petitions whenever a quorum is present.

7.2 If there is a desire of any Planning Commission member to abstain from voting because of a potential conflict of interest, this view should be expressed as soon as the potential conflict becomes apparent and before any discussion is held on the business before the Planning Commission. The members shall then step down and leave the hearing room. When a member has stepped down because of a possible conflict of interest, the member shall not be counted as present for the purposes of establishing a quorum during consideration undertaken while the member is not sitting with the Planning Commission.

SECTION VIII: ABSENCE OF MEMBERS

8.1 Upon request of a member, or of the Secretary on behalf of the member, the Planning Commission may excuse the absence from any meeting for reasonable cause.

8.2 In the event of a member incurring three unexcused absences in any six-month period, the member's record shall be forwarded by the Secretary to City Council for consideration.

SECTION IX: VOTING

9.1 All Planning Commission members present, including the presiding member, shall vote when any action is taken.

9.2 A majority vote of the quorum shall decide questions, provided, that any recommendation to the City Council of any official control or Comprehensive Plan or any amendments thereto shall be by the affirmative vote of not less than a majority of the total members of the Planning Commission.

9.3 The decision on any question may be reconsidered if, before such action is transmitted to the City Council, any member who voted with the majority moves for a reconsideration and such motion is approved by the Planning Commissioners. Such motion for reconsideration shall take precedence over all other motions, except a motion to adjourn. If such reconsideration involves an official control or comprehensive plan or amendment thereto, and the decision to make reconsideration is made after the close of regular consideration of that item, then such reconsideration shall be processed in accordance with the procedural requirements of Kelso Municipal Code. No question shall be reconsidered more than once.

SECTION X: PUBLIC MEETING RULES OF PROCEDURE

10.1 All persons speaking to the Planning Commission shall stand, approach the microphone, if provided, and identify themselves by name, address and whom they represent.

10.2 All comments shall be directed to the Chair.

10.3 Testimony shall be kept factual and on the subject. The Chair is charged with the responsibility of discouraging and stopping irrelevant, unnecessarily long, repetitive, or abusive testimony. At the onset of any item of business, the Chairman may limit the length of testimony. Time permitted, additional opportunity will be provided for additional public comments after everyone who so desires has had an opportunity to speak.

10.4 The audience shall not interrupt testimony.

10.5 Speakers shall not question one another; instead a question shall be addressed to the Chair. Upon request of a consensus of the members, the Chair may allow direct questioning of an expert witness who has previously testified on behalf of an opponent or proponent, or other business before the Planning Commission.

10.6 If written statements are made, a copy shall be presented to the Planning Commission and the Secretary.

SECTION XI: AMENDMENT OR SUSPENSION OF RULES

11.1 These rules may be amended at any regular meeting of the Planning Commission by a majority vote of the entire Planning Commission membership if the proposed amendment is presented in writing at the immediately preceding regular meeting.

11.2 No rule shall be suspended without the concurrence of two-thirds of the members present.

11.3 No rule that reflects a requirement of state law may be suspended.

11.4 We, the members constituting a quorum of the Planning Commission of the City of Kelso, State of Washington, created by an Ordinance of the City Council, do this date hereby adopt, publish and declare the following as the Planning Commission Rules of Procedure and further rescind all rules previously adopted by this Commission.

Dated this ____ day of _____, 2013.

CLARK HISLOP, POSITION NO. 1

RICK VONROCK, VICE-CHAIR, POSITION NO. 2

JARED WADE, POSITION NO. 3

DAN JONES, POSITION NO. 4

PATRICIA VANROLLINS, CHAIR, POSITION NO. 5

TOBY TABOR, POSITION NO. 6

JAMES WEBB, POSITION NO. 7

Attest:

BY: _____
Nancy Malone, Community Development Manager

BY: _____
Stephanie L. Helem, Recording Secretary