



Kelso Planning Commission Agenda

Meeting at 6:00p.m.

Tuesday, April 8, 2014

203 South Pacific Ave., City Hall Council Chambers

| Agenda | Approved/ Denied | Remarks |
|--|---------------------|---------|
| Call to Order: 1. Roll Call | | |
| Approve Minutes: 1. March 11, 2014 Meeting Minutes | | |
| Presentation: | | |
| Public Hearing: | | |
| Citizen Business: | | |
| Action/Motion Items: | | |
| Commission Business: 1. Discussion: a. Low Barrier Housing | | |
| Adjournment: Next Regularly Scheduled Meeting May13, 2014 at 6:00 p.m. | | |

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



Kelso Planning Commission Meeting Minutes
Tuesday, March 11, 2014
6:00pm – 6:55pm

Commissioners Present: Dan Jones, Toby Tabor, Rick VonRock, Jared Wade, James Webb (arrived 6:11pm).

Commissioners Absent: Vacant Position No. 5, Clark Hislop.

Staff Present: Nancy Malone, Planning Manager; Stephanie Helem, Recording Secretary; Janean Parker, City Attorney

Call to Order:

Chair Rick VonRock called the meeting to order at 6:00pm.

Minutes:

Commissioner Jones made the motion, seconded by Commissioner Wade to approve the minutes of February 11, 2014. Motion carried, all in favor.

Commission Business:

1. Marijuana Collective Gardens/Legislature Actions. Janean Parker, City Attorney. Recommendation to put this off for a month or so and see what the legislature does. See what the final Bill will look like when or if it is implemented. That would govern discussion on how we want to look at collective garden issue. Discussion followed.

MOTION: Commissioner Wade made the motion, seconded by Commissioner Jones 'to table this to next meeting'. **Motion carried, all in favor.**

2. Low Barrier Housing. Nancy Malone. Commission was given information received by MRSC (Municipal Research and Services Center). Typically if the city can't find the answer (MRSC) research all city and counties in the state and are able to get information quicker. City had concerns on can the city legally deny allowing a low barrier shelter and or urban rest stop in the city?

Janean Parker. Can you ban it outright in the city? Probably if it is done very carefully and there is a good reason. There are limits on zoning power. There are constitutional protections for an ordinance that would violate 1st amendments. Does it preclude a certain class of people? There are statutory limitations. During preliminary look at this type of ordinance did not see any 1st amendment protected speech issues. Did not find any statutes in the preliminary review that prohibits our ability to limit shelters of this nature. Would like to do a more thorough analysis. There are different types of reviews depending on the challenge. Another thing to consider under the state statutory scheme, you must be consistent with your comp plan and other underlying documents. Think about it carefully, build your record with public hearings and gather some information on why it would be necessary to do this and have a good reason for doing so. Answer to the prohibition question. Discussion followed.

Janean Parker. This is an emerging use, an emerging way to address the homeless population to meet a need that previously hasn't been met. In doing an initial review there is not a clear easy to apply, easy to enforce definition of Low Barrier Shelter. Thinking about enforcement and how to apply it practically it makes sense to define use broadly and use a conditional use permit, hearing process, and somebody to look at distance requirements, additional security requirements, list out

this type of information in code. Have matter go to hearing examiner and quasi-judicial process and put conditions on the particular application. Discussion followed.

Nancy Malone. Intent is not to change the zoning. Add as a permitted use, administrative use or conditional use to a certain zoning district within the city. Discussion followed. Nancy suggested a work shop with the commission. After workshop, staff and city attorney will put code together. Present it to the Commission. If there are no changes and everyone is in agreement move forward with the public hearing.

Janean Parker. City can accept public comment on topic without having a formal advertised public hearing. Invite key stake holders. We can gather information how this is addressed in other jurisdictions. Discussion followed.

Commission all in favor of turning this back to Nancy and Janean for code language.

3. Citizen Business. No business.

4. Uses – Permitted vs. Administrative vs. Conditional. Nancy Malone.

- a. Permitted use. Use is a permitted. Building permit, site plan review. No public notification. Examples discussed.
- b. Administrative Use. Uses that need a different level of review. They go before the administrative official. There is a fee associated. There is no guarantee the application will be approved. More thoroughly reviewed. This application gets routed to city departments/internal review. Conditions can be imposed. Public notification to property owners within 300 feet. Advertisement in local paper. Example discussion followed.
- c. Conditional Use. Typically an environmental checklist included. Application. Property is posted. Notify property owners within 300 feet. Advertise in local paper. Goes to a hearing examiner. Full quasi-judicial public hearing. SEPA checklist is additional fee. Appeal fee. Example discussion followed.

Other Business. Nancy Malone.

1. Regal Cinemas permit issued.
2. Sportsman's Warehouse permit is ready to issue. Going in old Emporium space.
3. Food Cart Vendor 'tire kicking' in the down town area.
4. Car wash next to Verizon building ready to issue. Waiting for Verizon building to be complete before start of construction.
5. Façade Improvement Program research. Possible changes.
6. Kelso Theater sign under repair due to vendor damage.

Adjournment:

There being no further business, Commissioner Webb made the motion, seconded by Commissioner Tabor to adjourn at 6:55pm.

Rick VonRock, Planning Commission Chair

Respectfully submitted: Stephanie L. Helem, Recording Secretary