Planning Commission Minutes

December 21, 2017

City Hall Council Chambers

CALL TO ORDER
The regular meeting of the Planning Commission was called to order at 6:34 p.m. by Chair Dimmett.

MEMBERS PRESENT
Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Paul Max, David Caudle, Elizabeth Porter, and Murray Williams

MEMBERS ABSENT- None

STAFF PRESENT
Richard Hart, Community Development Director
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA

➢ **C1. Commissioner Ingram moved and Commissioner Williams seconded to approve the corrected November 16, 2017 minutes and meeting agenda for December 21, 2017. Motion carried 7-0.**

CITIZEN COMMENTS - None

UNFINISHED BUSINESS

PUBLIC HEARING

1. Zoning Code Amendment to CMC 18.85.120 Temporary Use Permits – Frequency and Duration

Chair Dimmett declared the public hearing open.

Community Development Director, Richard Hart, summarized the memorandum related to the proposed zoning code amendments to temporary use permits. He provided examples of events that are considered temporary uses requiring permits. He also shared that when researching other cities for the duration of their temporary use permits, they found that at 60 days, Covington is at the lower end of the range. Many cities allow a duration from 90 to 120 days.
The public hearing amendment applies to all temporary use permits. In the interest of transparency, Mr. Hart noted that the city has received an inquiry from a local church to allow car camping to serve the homeless that could be processed under this code change.

Federal laws also govern how the city would regulate such uses under the Religious Land Use and Institutional Persons Act (RLUIPA). Mr. Hart reviewed the types of conditions that a city can place on an encampment related to health and safety.

Commissioner Ingram asked how often a permit may be applied and whether a permit could be terminated for violating the conditions of the permit. Mr. Hart explained that the current permit is valid for 60 days within a 365-day period, and that a permit could potentially be suspended until a violation is corrected.

Mr. Hart stated that most of the temporary use permits the city issues are for a few days at a time. These tend to be short-term, seasonal events. Farmer’s markets tend to be longer in duration. The city receives only a few temporary use permit applications each year. If there are unintended consequences of extending the term of a temporary use permit, the City Council can remedy that action with future code amendments.

Chair Dimmett clarified that if the City Council approves the change to a term of 120 days, they could later change it back to a term of 60 days. Staff said “yes.”

Public Comment

Leslie Hamada, Covington resident and Chair of the Human Services Commission: She has volunteer experience at the Kent United Methodist Church running homeless car camping within a church parking lot. The City of Kent does not require a permit for this. There are rules and restrictions, and the good has far has outweighed the bad. There are social services available to participants to help them get into jobs and housing. As part of the Human Services Master Plan, she feels that we should be looking at ways to do good in the community especially as it relates to homelessness. She wanted to be on the record that she has seen a lot of good come from this type of program. She lives and shops in this community and she has been thrilled to see how the program has worked in Kent. It would be a good time to see how it will work before the elementary school opens across the street. She wants to see the program done right and asks that the Planning Commission endorse extending the term of the temporary use permit to the City Council.

Tessie Alviz, Covington resident: She lives in the neighborhood next to the church. This is the first that they have heard about the proposed car camping for
homeless at the church. They would like more details about how this will work. They are concerned about public safety and sanitation.

Rose Kinsella, Administrator at St. John the Baptist Catholic Church: She appreciates the Planning Commission taking the time to review the inquiry from the church. Homelessness is a real situation and asks that they recommend to the City Council to approve the proposed change to the term of a temporary use permit to 120 days.

Nancy Huntington, Covington resident: She is in support of car camping at the church. She helped start a men’s homeless shelter over 25 years ago. She stated they would use 6-8 parking spots. The participants would be screened by Catholic Community Services. They are doing everything they can to ensure this program is a benefit to the church, the homeless, and the neighbors.

Norman Bailey, Auburn resident: The church plans to add surveillance cameras to help the neighbors feel safe. The program is desperately needed, and they know how well it has worked at the Kent United Methodist Church. He also likes the idea of starting the program before the elementary school opens. In the four year’s they have been operating in Kent, they have had no incidents. He asks that the Planning Commission recommend that the City Council approve extending the term of a temporary use permit to 120 days.

Mr. Hart addressed the public who had just learned about the church’s inquiry regarding car camping for homeless. The church has done outreach to the surrounding neighborhood and the city has responded to several inquiries from residences adjacent to the church.

Mr. Hart stated that the public hearing is to receive testimony regarding the duration that a temporary use permit is allowed. The public has expressed concern regarding the request for car camping. They are two different issues. Car camping would be permitted with conditions whether the term is 60 days or 120 days. The church’s request cannot be denied. However, the city could place conditions on the use related to public health and safety.

Chair Dimmett confirmed that the church could currently apply for a temporary use permit for 60 days for car camping for the homeless. Staff said “yes.”

Commissioner Ingram asked if granting a term of 120 days could be considered favoritism. Mr. Hart responded that no, because granting a term of 120 days does not apply to one use, but to all temporary uses in the community.

Commissioner Ingram would like to hear about other sites that allow car camping for the homeless. Mr. Hart responded that the City of Kent allows the use
outright. A temporary use permit is not required, and they are not limited to a term in which they can operate. The Kent United Methodist Church has operated car camping successfully for four years.

Commissioner Ingram would also like information about crime statistics. Mr. Hart responded that any temporary use that comes in will have positive and negative impacts. Mr. Hart responded he is not able to provide any kind of specific crime statistics. His experience is related to homeless tent camping in Mercer Island, Kirkland, Bellevue, Seattle and Redmond over the past 20 years as a city planner in the State of Washington. His experience is that the homeless encampments have been well run. Background checks are conducted on the participants. There were no serious crime statistics to his knowledge. He has also spoken with the organizers of the Kent United Methodist Church car camping, and they have not reported problems related to an increase in crime attributed to the individual participants. There are federal and state laws that dictate that a city cannot deny a request for this type of use at religious institutions.

Kathy Morrow, Covington resident: She objects to car camping at the St. John the Baptist Catholic Church because the city does not have facilities or services for homeless, and she is concerned about the potential for increased crime.

Commissioner Ingram asked about what type of safeguards can the city place on temporary use permits. Mr. Hart responded that the city addresses fire and life safety issues including, but not limited to: anchoring of temporary structures/tents, emergency vehicle access, sanitation, public safety, and temporary power. The city conducts an inspection to ensure the use is set up according to the plan submitted with the application.

Commissioner Caudle confirmed if there were illegal activities as part of a temporary use, it becomes a matter of police response. Mr. Hart agreed.

Commissioner Ingram asked if rather than extending the term of a temporary use permit, could the city create a sub-section of the code related to car camping. Mr. Hart advised against this because that might be construed as passing a law to benefit only one entity or type of temporary use permit. The issue before the Planning Commission is a general provision for all temporary uses.

Chair Dimmett declared the public hearing closed.
 ➢ **Commissioner Caudle moved and Commissioner Williams seconded to recommend that the City Council approve the Zoning Code Amendment to Covington Municipal Code 18.85.120 Temporary Use Permits, Frequency and Duration to 120 days.**

Commissioner Caudle feels that the duration of 120 days will best serve the community.

Commissioner Williams supports the duration of 120 days for all temporary uses, especially as it relates to the opportunity for farmer's markets.

Commissioner Ingram questioned whether a term of 90 days would be appropriate. He asked what happens if the car camping continues after the temporary use permit expires. Mr. Hart responded that if the term of the permit is 120 days, and the applicant requested additional time, the request would be denied. The city would not violate its own code with a time extension.

Chair Dimmett does have some concerns about extending all temporary use permits to 120 days, but sees the positives. She would also be in favor of a 90-day term, but the motion on the table is 120 days.

➢ **The motion carries 6-0 with Commissioner Ingram abstaining.**

**NEW BUSINESS - None**

**ATTENDANCE VOTE- None**

**PUBLIC COMMENTS**

Kathy Morrow, Covington resident: She is concerned that a homeless car camping at the church will increase the need for the police resources. Neighbors see someone in a hoodie running and the police get called. There is a school nearby. She wants there to be a home for everyone, but does not feel this is the place for it.

Norman Bailey, Auburn resident: He is a volunteer with the Kent United Methodist Church. He has spoken with Commander Rob Schull with the Kent Police Department and confirmed that there have been zero incidents in the four years of car camping at that church. They are going to take every step possible to ensure the safety of everyone involved.
COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS

Mr. Hart shared that there is a joint study session with the City Council on Tuesday, January 23rd at 6:00 p.m. and asks the Planning Commission to try to attend. The regularly scheduled Planning Commission meetings in January are cancelled.

ADJOURN

The December 21, 2017, Planning Commission Meeting adjourned at 7:56 p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary