

**KETTLE FALLS PLANNING COMMISSION
MEETING MINUTES
SEPTEMBER 9, 2024**

CALL TO ORDER

Chair Jody Emra called the meeting to order at 7:00 p.m. Commissioner Nick Gourlie led the group in the Pledge of Allegiance.

ROLL CALL

Members in attendance included Jody Emra, Nick Gourlie, and Joe Owens.

STAFF

Staff in attendance included LeAnne Sanders, Council Member Chris Shurrum, Council Member Michael Weatherman, and Mike Manning (SCJ Alliance).

GUESTS

Larry Kulesza and Gary Bellinger.

ANNOUNCEMENTS AND MAIL RECEIVED

There was no announcements or mail received.

MEETING MINUTES

REGULAR MINUTES OF AUGUST 13, 2024, MEETING

Commissioner Nick Gourlie made a motion to accept the minutes of August 13, 2024, meeting as presented. Commissioner Joe Owens seconded the motion. Commissioner Nick Gourlie – YES, and Commissioner Joe Owens – YES. Motion passed.

Chair Jody Emra stated the changes were made to the minutes of July 8, 2024; she has reviewed them.

Larry Kulesza stated he had not been able to find tonight's agenda on the city website.

CLOSED

PUBLIC HEARING

440 MEYERS STREET – CONDITIONAL USE PERMIT

Chair Jody Emra read the Public Hearing Checklist into the record. She asked if any Planning Commission member stands to gain or lose any financial benefit as a result of the outcome of this Hearing? Commissioner Joe Owens – NO. Commissioner Nick Gourlie – NO.

She then asked has any member of the Planning Commission been asked to vote either for or against the matter. Commissioner Joe Owens – NO. Commissioner Nick Gourlie – NO.

Planning Commission Chair Jody Emra stated this hearing is for Planning Commission to obtain public input to decide to recommend approval, recommend approval with conditions or denial for a conditional use permit for living quarters accessory to a commercial use, Parcel #0334200 at 440 Meyers Street.

Mike Manning, one of the contract planners for Kettle Falls with SCJ Alliance, was present and introduced himself to those in attendance and stated he would be giving the staff report that he prepared for this proposal to allow living quarters accessory to a commercial use. He stated an ordinance was recently passed that allows for an accessory dwelling unit in a commercial zone as long as a conditional use permit is obtained. He stated the proposal is in compliance with the Kettle Falls Municipal Code and the Kettle Falls Comprehensive Plan. The land use is consistent with surrounding uses and the structure in question is already on site. He stated staff does recommend approval of this conditional use permit with the following conditions of approval:

1. A CUP renewal application must be properly filed before the end of each calendar year and contain a declaration by the applicant that no change in the usage under the Conditional Use Permit has been made.
2. The living quarters shall be secondary to retail and/or commercial use. Should any change to the retail and/or commercial use be evidenced, a grace period of 180 days will be provided for the applicant/building owner to get another retail and/or commercial tenant in place.
3. Due to the shared bathroom between uses the building owner and accessory dwelling unit occupant must be the same.
4. The bathroom shall be solely for use by the business and its customers during business hours.

Staff Report

To: City of Kettle Falls, Planning Commission
From: Mike Manning, SCJ Alliance, Contract Planner
Date: 9/5/2024
Request: Bellinger Commercial Accessory Dwelling – Conditional Use Permit

I. REQUEST

This proposal is for a Conditional Use Permit for the allowance of a living quarters accessory to commercial use.

II. GENERAL INFORMATION

Project Location:	440 S Meyers St.
Parcel Number:	Parcel: 0334200
Legal Description & size:	4,075 Square Feet in size. KETTLE FALLS MEYERS FALLS S 47' LOTS 1-6 BLK 11, ls n 19'10"
Owner/Applicant:	Applicant & Owner: Gary Bellinger 39 Crestview Drive Kettle Falls, WA 99141
Comprehensive Plan Designation & Zoning:	Comprehensive Designation: Commercial City of Kettle Falls Zoning: C2 (Downtown Commercial)
Existing Land Use & Permit History:	The land currently contains the structure in question with the existing business and unpermitted Accessory Dwelling Unit. No building permit data records.

III. SITE INFORMATION

Access:	Access to the site is proposed from S Meyers St.
Utilities:	The property is serviced by municipal water and sewer.
Site Characteristics:	The site contains the existing structure as well as a small area of vacant land to the rear.
Surrounding Property:	North: Commercial property South: Alley/Commercial East: Meyers St/Commercial West: Commercial property.
Floodplain:	The subject parcel is not located within a floodplain.
Cultural Resources:	None known.



Figure 1. Vicinity Map - Subject Property

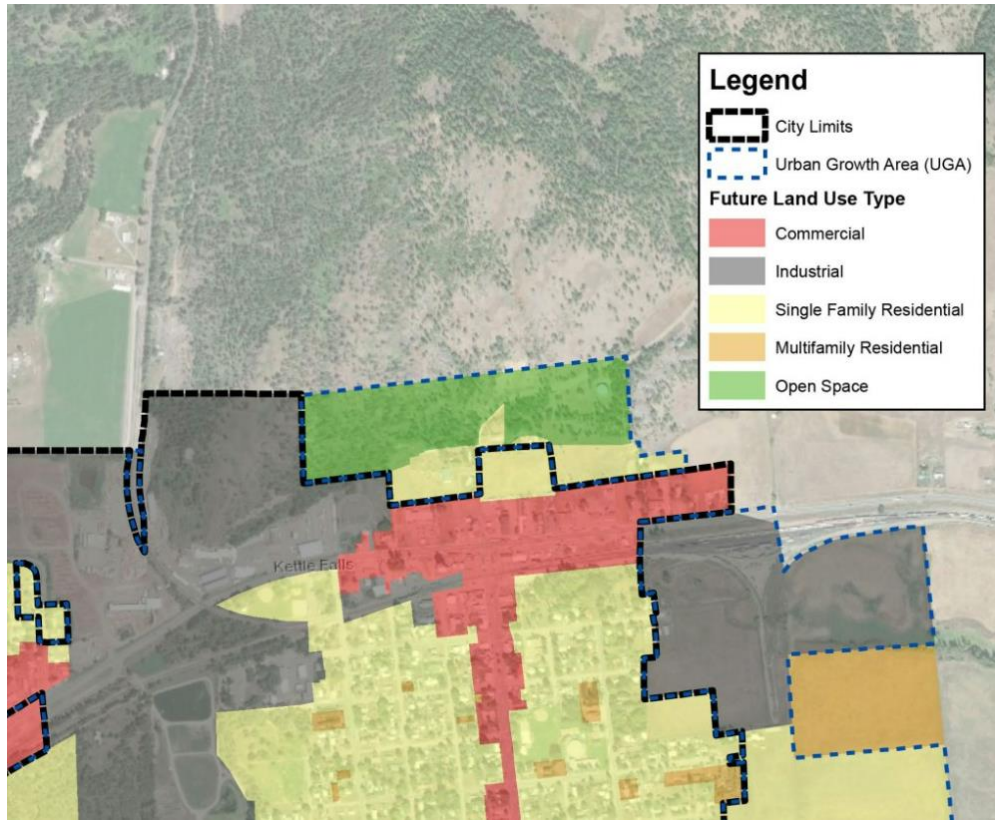
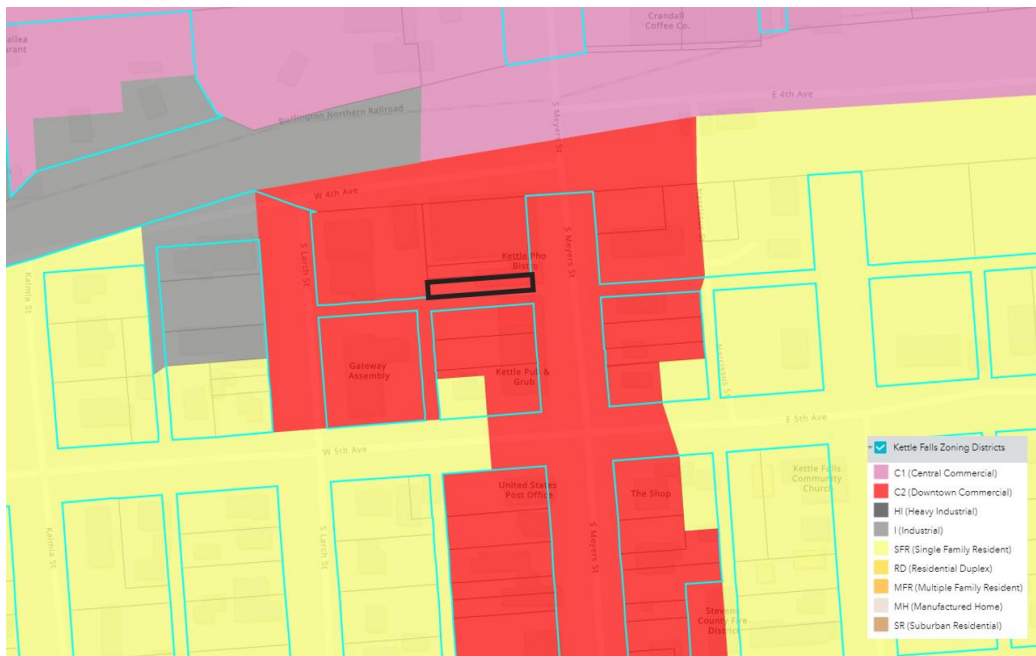


Figure 2. Future Land Use Map - Subject Property



Zoning Map - Subject Property

Figure 3.

IV. NOTICING AND COMMENTS

A Notice of Application and Notice of Public Hearing for this CUP was referred to the public, and departments of the City. These parties were notified on July 23, 2024. No public comments or city comments received

V. APPLICATION AND PUBLIC HEARING NOTICE COMPLIANCE

Application Submitted:	July 17, 2024
Determination of Completeness issued:	July 23, 2024
Notice of Application:	July 23, 2024
Notice of Public Hearing:	July 23, 2024
Planning Commission Public Hearing:	September 9, 2024

VI. DEPARTMENT ANALYSIS/ REGULATORY REVIEW

a. City of Kettle Falls Comprehensive Plan.

The Comprehensive Plan has been reviewed for the use and staff finds that the project, as conditioned, is consistent with the Comprehensive Plan. See the code review section outlined below.

b. Land Use Regulations.

The project, through approval of this CUP, will meet the C2 development standards as defined in KFMC 17.02.114

c. KFMC 17.05.023 (B) Conditional Use Permits – Action of Review Authority

- 1. The project is consistent with the Kettle Falls Comprehensive Plan and meets the requirements and intent of this ordinance, including the type of land use; the density/intensity of the proposed development; and the protection of critical areas, if applicable.*

Staff Analysis: The proposal is in compliance with KFMC and the Kettle Falls Comprehensive Plan. The land use is consistent with surrounding uses and the structure in question is already on site.

- 2. The project makes adequate provision for access and circulation, water supply, storm drainage,, sanitary sewage disposal, emergency services, and environmental protection to ensure that the proposed project would not be detrimental to public health and safety.*

Staff Analysis: The proposal is assumed to not add any additional strain on city services. The proposal will be reviewed for concurrence at the time of building permitting.

3. *The project adequately mitigates impacts identified through the SEPA review process, if required.*

Staff Analysis: SEPA review is not required.

4. *The project is beneficial to the public health, safety, and welfare, and is in the public interest.*

Staff Analysis: The project is not anticipated to have any adverse impact on public health, safety, welfare, or interest.

VII. RECOMMENDATION

Staff has reviewed the application and submitted materials. Based on the information contained in the application and compliance with the Revised Code of Washington, The Washington Administrative Code, The Kettle Falls Comprehensive Plan, and Kettle Falls Municipal code, staff recommends **APPROVAL** subject to the attached recommended conditions of approval, which may be modified as appropriate in support of the decision of the Hearing Examiner.

VIII. RECOMMENDED CONDITIONS OF APPROVAL

1. A CUP renewal application must be properly filed before the end of each calendar year and contain a declaration by the applicant that no change in the usage under the Conditional Use Permit has been made.
2. The living quarters shall be secondary to retail and/or commercial use. Should any change to the retail and/or commercial use be evidenced, a grace period of 180 days will be provided for the applicant/building owner to get another retail and/or commercial tenant in place.
3. Due to the shared bathroom between uses the building owner and accessory dwelling unit occupant must be the same.
4. The bathroom shall be solely for use by the business and its customers during business hours.

IX. EXHIBITS

Exhibit A. Application Materials

Exhibit B. Noticing Materials

Exhibit C. Comments Received

Mike Manning then asked if the public or Planning Commission had any questions.

Chair Jody Emra asked if the conditions put on this use permit are not the same conditions that were made to the accessory dwelling units, that there needed to be a separate bathroom for the accessory dwelling unit and is secondary to the commercial.

Commissioner Nick Gourlie stated the living quarter definition had a separate bathroom and the reason it is stipulated is that it will be a shared bathroom. He also said accessory dwelling units should read as living quarters as this was the definition that was used.

Mike Weatherman asked about the bathing facilities, does it have a tub and a shower and is that shared.

Gary Bellinger stated the bathroom facility is in between the commercial space and the living space with a shower, washer and dryer and other facilities and there is a locking door.

Mike Manning, SCJ Alliance, stated in this case there is only one bathroom and when working with the city attorney it was decided to use this condition.

Commissioner Nick Gourlie stated this is just a condition under this conditional use permit.

Gary Bellinger stated his tenant for the commercial space has a physical therapy office and will be a long-term tenant and she is very busy.

Larry Kulesza stated this is a condition on this conditional use permit, but it could set precedence moving forward.

Chair Jody Emra stated she felt this is just a condition on this particular conditional use permit, and someone else that would get a conditional use permit for their establishment with living quarters, would not necessarily need this language as there would already be a second bathroom for the living quarters.

Mike Manning, SCJ Alliance, stated the language is for this particular situation, but Larry Kulesza is correct that it can set precedence in a similar situation.

Secretary LeAnne Sanders stated upon inspection of the building and finding it to have a solid concrete floor would require a lot of time and expense to install another bathroom, which is why City Attorney Logan Worley suggested the condition that the owner and living quarters occupant be the same.

Commissioner Nick Gourlie stated if the owner moves out of the building and someone else moves in the conditional use permit is not valid.

Chair Jody Emra asked Mr. Bellinger if he agrees with the conditions in the use permit.

Gary Bellinger stated he does, he is trying to do things right and started the process in February 2024.

Chair Jody Emra stated she felt the Planning Commission's job is to follow the code, but also try to make it not so cost prohibitive for property owners.

Larry Kulesza stated since this is a physical therapy office it should be ADA accessible. He stated this is more of a city issue and just wanted it brought up for the record.

Gary Bellinger stated they have thought about putting in ADA access.

Chair Jody Emra opened the Public Hearing for public comment at 7:29 p.m. and asked if there was any letters received and does anyone else want to make comment that already hasn't. There were no letters received and no further comment.

Chair Jody Emra closed the Public Hearing for testimony at 7:30 p.m.

Commissioner Nick Gourlie made a motion to approve the Conditional Use Permit for 440 Meyers Street, with just the one change that anywhere it says accessory dwelling unit is updated to living quarters to match the zoning text amendment language. Joe Owens seconded the motion. Commissioner Nick Gourlie – YES, and Commissioner Joe Owens – YES. Motion passed.

CLOSED

NEW BUSINESS

As there was no New Business, Planning Commission moved on to Old Business.

OLD BUSINESS

PICKLEBALL SIGN

Chair Jody Emra stated no one from the Pickleball group is present to discuss the signs and the courts look nice.

Larry Kulesza stated the courts are open, and he has noticed kids on scooters and bicycles on the court. He suggested signage may need to be put up stating they are not allowed.

OPEN

HAPPY DELL PARK LIGHTS

Chair Jody Emra asked Larry Kulesza to report on the lights and the tree that was damaged.

Larry Kulesza stated he had contacted Floener Electric and there is an appointment scheduled for September 24th to look at the lights. He stated he asked for Tim Floener as he was involved with the new bathroom and mechanical room at the park.

Larry Kulesza stated there was damage done to one of the trees planted by the pool. He has contacted the Masonic Hall about checking their security cameras and is waiting to hear back from Wayne Wardlow. He stated the tree is getting watered and is a little stressed. He is still working on the tree rings and has a different concept that he thinks will work.

OPEN

2025 PLANNING BUDGET

Chair Jody Emra stated does the Planning Commission acting as the Park and Recreation Committee want to ask the Council to increase the funds to address items like the trees, lights and ADA accessibility.

Commissioner Nick Gourlie stated he would like \$1,000.00 put in the Planning Commission budget for training and to have the flexibility that if it wasn't used to add it to the \$3,000.00.

Larry Kulesza stated the budget contains line items and each line item specifies where the funds are to be spent.

Commissioner Nick Gourlie stated if they ask for \$1,000.00 for training and if it is not spent then it does not need to roll over, but any unspent funds from the \$3,000.00 should be rolled over to the next year.

After further discussion, Commissioner Nick Gourlie made a motion to request from City Council for the 2025 budget to increase the parks budget from \$3,000.00 to \$5,000.00 and create a new line item in the Planning Commission budget of \$1,000.00 for training which does not need to roll over. Commissioner Joe Owens seconded the motion. Commissioner Joe Owens – YES and Commissioner Nick Gourlie – YES. Motion passed.

CLOSED

PLANNING COMMISSION BYLAWS

Larry Kulesza stated he did not get the draft Planning Bylaws to City Attorney Logan Worley to review as there was a medical emergency. He stated the quorum language needs to be added to the bylaws.

Commissioner Nick Gourlie ask Larry to send him all the information and he will prepare the final document to present to City Attorney Logan Worley.

OPEN

TITLE 17 ZONING

Commissioner Nick Gourlie stated he has been working on the zoning update and should have a final document in about two weeks for review. He stated all the formatting is the same so hopefully it can be cut and pasted into the current zoning code once final approval is made.

OPEN

HOMEWORK

Planning Commission Chair Jody Emra will:

- Title 17 - Zoning Updates

Planning Commission Second Vice Chair Nick Gourlie will:

- Title 17 - Zoning Updates
- Bylaws
-

Planning Commission Member Joe Owens will:

- Title 17 - Zoning Updates
-

PUBLIC COMMENT

Council Member Mike Weatherman stated he felt Planning Commission is doing a good job.

ADJOURNMENT

Planning Commission Chair Jody Emra adjourned the meeting at 8:00 p.m.

Approved:

Jody Emra, Chairperson

Attest:

LeAnne Sanders, Secretary/Clerk