



Planning Commission  
Regular Meeting  
December 15, 2009  
Minutes were approved on January 20, 2010

**CALL TO ORDER:**

Chair Hein called the meeting to order at 7:03 p.m.

**ROLL CALL:**

**Present:**

Commissioner Tim Hein  
Commissioner Shelly Damore (arrived at 7:04 p.m.)  
Commissioner Judy Hooper  
Commissioner Troy Hull  
Commissioner Travis Monteith

**Excused:**

Commissioner David Shepherd  
Commissioner Bryan Beel

**Staff Present:**

Phil Bourquin, Community Development Director  
Jan Coppola, Administrative Support Assistant II  
Ken Kakuk, GIS Coordinator  
Mitch Lackey, Police Chief  
Kathy Marlowe, Planner I  
David Schultz, City Attorney

**Approval of minutes from the November 17, 2009, Planning Commission Meeting.**

It was moved by Commissioner Hull and seconded by Commissioner Hooper to approve the minutes from the November 17, 2009, Planning Commission meeting as written. The motion carried unanimously by roll call vote.

**Public Hearing to review proposed revisions to Camas Municipal Code (CMC) 5.36, 18.07, and 18.37 relating to adult entertainment/sexually oriented businesses.**

Chair Hein opened the public hearing at 7:05 p.m.

Phil Bourquin, Community Development Director, summarized the December 8, 2009, *Adult Entertainment/Sexually Oriented Business* Staff Report. Mr. Bourquin added that the Adult Entertainment record is entitled *Adult Entertainment Information* and it includes two volumes, *Book 1* and *Book 2*. Mr. Bourquin explained that each volume has a series of tabs that are referred to as individual exhibit numbers and read into the record the title of each exhibit. Mr. Bourquin noted that the record includes case law, studies, periodicals, and local, regional and national regulations. Mr. Bourquin introduced Ken Kakuk, GIS Coordinator, who was the lead analyst for the land use study which is based on the proposed draft code.

Ken Kakuk, GIS Coordinator, summarized the findings in the study entitled, *Adult Entertainment Zoning Camas GIS - Land Use Analysis*. Mr. Kakuk added that Staff has thoroughly evaluated the availability of land for this type of use providing for a 1,000 foot distance between permitted sexually oriented uses and

any conflicting uses. Mr. Kakuk referred to *Figure 9, Sexually Oriented Business Available Lands Acreage* map, to illustrate the available land that fit the applicable criteria.

Mr. Bourquin reported that the study took into consideration the distance requirements from sensitive use areas such as schools, churches, daycare facilities, parks, community centers and residential zones. Mr. Bourquin added that a 1,000 foot distance is proposed between any individual adult entertainment/sexually oriented businesses. In conclusion, Mr. Bourquin added that the proposed regulations will allow for sexually oriented businesses on at least 1% of lands within the City of Camas and at least 5% of lands zoned for non-residential uses.

In response to Chair Hein's inquiry about regulating content, David Schultz, City Attorney, quoted from the American Planning Association booklet entitled, *Zoning Practice First Amendment Freedoms*, "Discerning content is the major method in differentiating between an adult bookstore and a Barnes & Noble, for example."

In response, Mr. Bourquin stated that the *Zoning Practice First Amendment Freedoms* recommends using the 1% of total land area and 5% of lands zoned for non-residential uses as benchmarks in developing regulations.

Discussion followed on the challenges faced in evaluating the availability of land for this type of use and the development of the proposed regulations.

Mitch Lackey, Police Chief, gave a brief history of his background in law enforcement. Mr. Lackey introduced a document entitled *Sexually Oriented Businesses, December 15, 2009*, Exhibit "24" into the record and summarized this exhibit as a sampling of 911 calls for two adult entertainment businesses in Vancouver, Washington; Adult Video Only and Taboo Video.

Chair Hein asked if there were any questions for the Police Chief and there were no questions.

Mr. Bourquin relayed Staff's recommendation that Planning Commission accept public comment, deliberate the record thoroughly and forward a recommendation to City Council.

Chair Hein opened the public testimony portion of the hearing at 7:29 p.m.

**Pat Wallace, 108 SE Franklin Street, Camas, 98607**

Ms. Wallace asked if there are any businesses in the Light Industrial/Business Park (LI/BP) designations that provide day care for their employees.

Mr. Bourquin responded that there are not currently any existing day care facilities in the LI/BP designations and added that day care facilities are a permitted use in LI/BP zones. Mr. Bourquin concurred that a day care facility within a LI/BP designation could pose a potential conflict.

Chair Hein closed the public testimony portion of the hearing at 7:32 p.m., as there was no further public testimony.

The proposed draft Camas Municipal Code (CMC) 5.36 Sexually Oriented Businesses was reviewed section by section. Questions were asked, clarifications were made, corrections were noted and discussion ensued.

Commissioner Damore raised concerns regarding *CMC 5.36.050 (L) and (M) Licenses Prohibited*. Discussion ensued.

Mr. Bourquin inquired as to whether there has been adequate opportunity to review the entire record thoroughly and the Commissioners acknowledged in unanimous concurrence.

Commissioner Damore asked if there was any attempt to acquire more recent background studies pertaining to this type of use in the city limits.

In response, Mr. Bourquin stated that the use of outside sources is necessary as the City of Camas does not currently have a sexually oriented business within its city limits or the resources available to conduct further studies. Mr. Bourquin added that the *Adult Entertainment Information* record includes Clark County and the City of Vancouver's record and reflects the possible secondary impacts relevant to the City of Camas.

Discussion ensued.

### **Decision**

It was moved by Commissioner Hull and seconded by Commissioner Monteith to forward a recommendation to City Council to approve the proposed draft revisions to Camas Municipal Code (CMC) 5.36 Sexually Oriented Businesses as noted:

- CMC 5.36.030 Definitions (A) delete *live* from the sentence.
- CMC 5.36.050 Licenses prohibited (M) delete *convictions* from the sentence.
- CMC 5.36.070 Licenses – Managers and Entertainers, 4, change *conviction* to plural, *convictions*.
- CMC 5.36.090 Issuance of licenses (B) 2, delete *a reasonable time* from the sentence.
- CMC 5.36.090 Issuance of licenses (C) Decision 2, delete *forty five (45) and sixty (60) days*.
- CMC 5.36.090 Issuance of licenses (C) Decision 8, delete the following sentence: *The denial shall be for a period of time not to exceed one (1) year* and replace with *If an application is denied there shall be no reapplication for one (1) year following the date of the previous application.*
- CMC 5.36.110 Appeals, delete the following sentence: *Need assistance of attorney for correct wording (and further deleting) for a writ of certiorari, prohibition, or mandamus within twenty-one (21) days of the date the decision of the city council is mailed to the applicant. The action may be brought by any applicant who deems himself aggrieved by such denial, provided, however, that the application for any such writ of review must be made within twenty-eight (28) days from any decision of the city council. The action may be brought by any person who deems himself aggrieved by the decision of the city council, provided, however, that application for a writ of review shall be made to the court within twenty-eight (28) days from any decision of the city council.*

Mr. Bourquin recommended including CMC 5.36.090 *Issuance of licenses* (E) in the motion. Discussion ensued.

Commissioner Hull amended his motion to include:

- CMC 5.36.090 Issuance of licenses (E) deleting the word *seven (7)*.

Commissioner Monteith seconded the motion. The motion carried with Commissioner Damore abstaining.

The next regular Planning Commission meeting is scheduled for January 20, 2010, at 7:00 p.m.

**ADJOURNMENT:** Chair Hein adjourned the Planning Commission meeting at 9:11 p.m.