

Chapter ~~17.06~~17.04 DEFINITIONS

Sections:

~~17.06~~17.04.010 Introduction.

~~17.06~~17.04.020 Interpretations.

~~17.06~~17.04.030 Definitions.

~~17.06~~17.04.010 Introduction.

Certain terms and words used in this title may have special meaning as defined in this chapter. (Ord. 3889 § 3 (Exh. A), 2017)

~~17.06~~17.04.020 Interpretations.

- A. When not inconsistent with the context, words used in the present tense include the future; the singular includes the plural and the plural the singular; “shall” is always mandatory and “should” or “may” indicates a use of discretion in making a decision.
- B. Any word not specifically defined in this chapter shall have the meaning as defined by and determined by the city in accordance with the provisions of:
 1. Webster’s Dictionary;
 2. The Revised Code of Washington;
 3. The Washington Administrative Code;
 4. North American Industrial Classification System (NAICS), 2002 Edition, or as subsequently updated; and
 5. Administrative code interpretations by the city.
- C. Any question or uncertainty about the meaning of a word used in this title shall be resolved by an administrative code interpretation. (Ord. 3889 § 3 (Exh. A), 2017)

~~17.06~~17.04.030 Definitions.

The following words and phrases are hereby defined as follows unless otherwise determined by the city through an administrative code interpretation:

“Accessory dwelling unit” means separate living quarters detached from a single-family dwelling on a single lot, ~~with a footprint of less than one thousand square feet and no more than one and one-half~~

~~stories in height, and sharing a single driveway with the primary dwelling; provided, no recreational vehicle shall be an accessory dwelling unit.~~

“Accessory use, building or structure” means a building, part of a building or structure, or a use which is subordinate to the operation or enjoyment of a lawful use and the use of which is incidental to that of the main building, structure or use on the same lot, as determined by the city.

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than ~~eightsix~~ adults who are not related by blood or marriage to the person or persons providing the services and are licensed by the Washington State Department of Social and Health Services.

“Agriculture” means any agricultural industry or business such as commercial farming for the purpose of harvesting crops for production of food and fiber products; the grazing or raising of livestock; aquaculture; sod production; orchards; Christmas tree farms; nurseries; dairies; greenhouses; or other similar uses.

“Airport” refers to the Southwest Washington Regional Airport as defined in the airport master plan approved by the city.

“Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and animals.

“Area of shallow flooding” means an area designated AO or AH zone on the Flood Insurance Rate Map (FIRM). AO zones have base flood depths that range from one to three feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are always designated on Flood Insurance Rate Maps by the letter A or V.

“Arts and entertainment” means establishments that operate facilities or provide services for the cultural, entertainment, and recreational interests of the public.

“Assisted living facility” means any home or other institution, however named, which is licensed by the Washington State Department of Social and Health Services and is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services such as housekeeping, meals, laundry and activities, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with Chapter 142, Laws of 2004, to seven or more residents. “Assisted living facility” shall not include facilities certified as group training homes pursuant to

RCW [71A.22.040](#), nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the Department of Housing and Urban Development.

“Athletic club” or “exercise facility” means establishments that provide fitness, health, recreational, or social facilities and services geared towards exercise, sports, or other physical activities.

~~“Atterberg limits” means the moisture content of a soil when it changes from one physical condition to another, as determined by the Atterberg method of soil sample testing. The test has to do with the plasticity of soil, or the percentage of water content at which a soil flows.~~

“Audio/visual media production” means the operation and maintenance of audio and video equipment used for events such as television programs, film production, presentations, or broadcasting live productions such as concerts, theatre, television programs, corporate conferences, or church services.

“Auditor” means the auditor of Cowlitz County, Washington.

“Auditorium” or “meeting hall” means a large building or room in which public events or meetings are held.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “one-hundred-year flood”). These areas are designated on Flood Insurance Rate Maps by the letter A or V and shall be determined using a fully developed watershed and the city’s engineering department’s criteria for a one-hundred-year storm.

“Bed and breakfast inn” means a lodging where guest rooms are provided to guests by a resident operator for a fee by prearrangement on a daily or short-term, temporary basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast. No cooking facilities are provided in the individual rooms.

“Binding site plan” means a drawing made and approved in accordance with the provisions of Section 17.42.010 which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the city, and which contains provisions requiring any development to be in conformance with the site plan.

“Boat launch” means an area that allows visitors to launch their boats into a river or other body of water.

“Boat sales, services and storage” means an establishment that provides the sale, maintenance services, or storage facilities for boats.

~~“Boarding house” means a building with not more than five guest rooms where lodging and meals are provided for compensation for not more than ten persons, but shall not include congregate care facilities, or convalescent care facilities, or adult family homes.~~

“Boundary line adjustment” means an alteration of a division of land by adjustment of boundary lines, between platted or unplatted lots or parcels or both, which does not create an additional lot, tract, parcel, building site, or division nor creates any lot, tract, parcel, building site, or division which contains insufficient area or dimension to meet the minimum requirements for width or area for a building site. Boundary line adjustments include lot consolidations wherein boundary lines are removed.

“Brewery,” distillery, or “winery” means an establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, distilled spirits, or wine, and which may include accessory uses such as a tasting room and retail sales of promotional products. This classification allows a brewery/distillery/winery to sell beer/spirits/wine at retail and/or act as wholesaler for beer/spirits/wine of its own production for off-site consumption with appropriate state licenses. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

~~“Brewpub” means a restaurant, tavern, bar or nightclub that manufactures up to one thousand five hundred barrels of fermented malt beverages per year on premises for either consumption on premises or by hand-capped or sealed containers in quantities up to one-half barrel or fifteen and one-half gallons sold directly to the consumer. Wholesaling shall be permitted only as otherwise permitted in the zoning district. All aspects of production, service and sales of alcohol beverages must have the appropriate Washington State permits. A brewpub is not allowed in conjunction with a restaurant that has a drive-up facility.~~

“Buildable lot” means a lot meeting all of the requirements of size, shape, frontage, sanitation, access, etc., contained in this chapter and other ordinances of the city for any specific type of development.

“Building” is a structure built and installed in accordance with the provisions of the International Building Code as adopted by the city.

“Building height” ~~see Section 17.06.030 Height. means the vertical distance above to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.~~

“Business and professional services” means uses such as accounting firms, advertising agencies, audio/visual media production, credit bureaus, collection agencies, contractor’s offices, employment agencies, finance companies, funeral home/mortuary, insurance agents, income tax return preparers,

investment counseling firms, lawyer's offices, real estate companies, veterinarian clinic, or other similar uses.

"Card rooms" means an establishment that offers card games for play to be public, typically involving a license for commercial gambling.

"Cemetery" or "mausoleum" means a burial ground or graveyard that may include buildings that houses tombs above ground.

Church. See "religious facility."

"City council" means the mayor and council members of the city.

"Closed record appeal" means an administrative hearing, conducted by the city following an open record hearing conducted on a project permit application. The hearing is on the record with only arguments related to matters of record allowed, except the city has the discretion to allow supplementation of the record upon a showing of good cause.

"Commercial laundry" means an industrial facility that provides laundry services on a large scale that primarily serves businesses and/or institutions.

"Commercial truck stop" means an establishment that typically provides parking, fuel, repair, and other related goods and services to primarily support interstate truck transportation.

"Commercial moving" or "commercial storage" means a facility that provides rental units, space, or moving vehicles for the storage or transportation of items, documents, or equipment.

"Community center" means a location where members of a community may gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

"Community garden" means a piece of shared land that is gardened or cultivated by a group of individuals or collectively maintained.

"Comprehensive plan" means a plan adopted by the city council as a guide to the physical growth and improvement of the city, including modifications or refinements which may be made from time to time. Said plan may include the following elements: land use, transportation, transit, public services and facilities, housing, community development, and additional subjects relating to the physical development of the city.

“Construction landscaping” means a business that provides landscape construction services such as the installation, removal, or rehabilitation of landscapes including both hardscapes and softscapes.

“Correction facility,” “detention facility,” or “prison facility” means a facility that such as a jail, prison, or other detention facility that is used to house people who have been arrested, detained, held, incarcerated, or convicted by a criminal justice agency or a legal court.

“Cottage cluster” means a group of small, detached housing units typically clustered around a central outdoor common space.

“County” means the county of Cowlitz, state of Washington.

“Cumulative substantial damage” means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

“Date of filing” means the date that a complete and accurate application for preliminary plat, short plat, large lot plat or final plat approval is filed with the city.

“Day care ~~center, child facility~~” means a child care provider, licensed by the Washington State Department of Early Learning, that regularly provides child care and early learning services for a group of children for periods of less than twenty-four hours.

“Day care, ~~family provider (in home)~~” means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider’s home in the living quarters for periods less than twenty-four hours.

“Declaration of short subdivision” means a document signed by all persons having any real interest in the land being subdivided and acknowledged before a notary that they signed the same as their free act and deed, and containing, as a minimum, the following elements:

1. A legal description of the tract being divided;
2. An illustrative map;
3. Any restrictive covenants;
4. A title report or plat certificate;
5. Any special conditions of short subdivision approval (e.g., frontage improvements requirements).

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, short plat or binding site plan showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat or plan for filing by the appropriate governmental unit.

“Department” means the city of Kelso community development department.

“Development” means the activity or purpose for which land or structures or a combination of land and structures are designed, arranged, occupied or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself, including any clearing, grading, leveling, paving or excavation. “Development” also means any existing or proposed configuration of land, structures and site improvements, and the use thereof. This includes the development of land as proposed and/or described in any application for development permit approval submitted to the city.

“Development permit” means any land use permit which must be approved by the city prior to the development of land. Development permits shall include preliminary plats, short plats, binding site plans, large lot subdivisions and final plats.

“Director” means the director of the city of Kelso community planning and development department, and the director’s designees.

“Duplex” means a building that contains two primary dwelling units on one lot that shares a common wall or common floor/ceiling.

~~“Dwelling, multifamily” means a building arranged or designed to be occupied by more than four families, such as an apartment house or flat, but not including a trailer park.~~

“Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy.

“Easement” means a right granted by a property owner to specifically named parties or to the general public for the use of certain areas or strips of land for particular purposes. Where appropriate to the context, easement may also refer to the land covered by the rights granted. This may include pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

“Eating and drinking establishments” means any commercial use within which food or beverages are stored, packaged, prepared, and/or served directly to the public for consumption on or off the premises. This may include restaurants, cafes, delicatessens, bakeries, and more.

“Emergency shelter” means a congregate facility providing housing to shelter families and individuals offered on an emergency basis ~~for a period not to exceed ninety days continuously.~~ Emergency Sshelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency.

~~“Family” means an individual, or two or more persons related by blood, marriage or adoption, or a group of not more than six persons, excluding servants, who are not related by blood, marriage or adoption living together in a dwelling unit. For the purposes of this definition, persons with handicaps or otherwise protected by the Federal Fair Housing Act (42 U.S.C. Section 3601 et seq.) shall not be counted as unrelated persons.~~

“Final approval” means the final official action taken by the city council, hearing examiner, or planner on the proposed subdivision, short subdivision, binding site plan, or dedication, or portion thereof.

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and in this chapter adopted pursuant thereto.

~~“Flood fringe” means the area adjoining the floodway which would be covered by floodwater during a base flood.~~

“Floodplain” means the boundaries shown on the Federal Emergency Management Act (FEMA) maps, mandated by the Floodplain Management Act as defined in Chapter 35.63 RCW National Flood Insurance Program as it now exists or is from now on amended. Generally, it is the land area susceptible to being inundated by water from the base flood.

~~“Floodplain or flood hazard area” means the inundation of an area of land that is not usually under water. For the purposes of this code, the floodplain and flood hazard area are the areas identified as floodplain and flood hazard area on the adopted FEMA FIRM maps.~~

~~“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

“Footprint” means the area at the ground plane of a building, structure, or other element, bounded by the outside of the exterior walls and including stairs, porches, decks, upper story overhangs, canopies, and other appurtenances over three feet in height above the grade, except not including roof overhangs.

“Game arcade” means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

“Grade” (~~adjacent ground elevation~~) is the computed average of the lowest and the highest points of elevation of the native original surface of the ground, or existing paving or sidewalk within the area between the building and property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

~~“Group training home” means a facility equipped, supervised, managed, and operated on a full-time basis by any person, association, or corporation on a nonprofit basis for the full-time care, treatment, training, and maintenance of persons with developmental disabilities, and approved under this chapter and the standards under the rules adopted by Department of Social and Health Services.~~

“Halfway house” means a home of 8 or less residents for juvenile delinquents, adult offenders, or those leaving correctional institutions providing residentially oriented facilities which allow rehabilitation or social adjustment for persons who are in need ~~for of~~ supervision or assistance in becoming socially reoriented but not in need of institutional care. ~~Such facility provides a reintroduction of residents into a normal community life by providing a stable living situation rather than incarceration or a reintroduction without home, job or social reinforcement.~~

“Hazardous materials” means any substances, materials, or chemicals which may pose a health or physical hazard that may cause harm to humans, animals, or the environment as defined by the Occupational Safety and Health Administration (OSHA).

“Hazardous waste” means and includes all dangerous and extremely hazardous waste as specified in RCW 70.105.010.

“Hazardous waste storage” means the holding of dangerous waste for a temporary period. Accumulation of hazardous waste is not storage as long as the accumulation is in compliance with applicable requirements of WAC 173-303-200 and 173-303-201.

“Hazardous waste treatment” means the physical, chemical, or biological processing of hazardous waste to make such wastes nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

“Health care facility” means a facility that provides health care such as a long-term care facility, outpatient care center, specialized care center, or clinic.

“Hearing examiner” means the land use hearing examiner for the city.

“Home business” means an activity conducted for financial gain or profit within a dwelling unit, which is clearly incidental and secondary to the primary use of the dwelling unit as a residential structure.

“Hospital” means an institution that provides medical, surgical, or psychiatric treatment and nursing care for the public who are sick or injured. This may include institutions that provide emergency services, and where patients are provided with room and board, sometimes for extended periods of time.

“Hotel” or “motel” means a building that provides lodging that is designed to be rented for short-term occupancy typically for no more than thirty consecutive days. This may include uses accessory or secondary to the primary use, such as restaurants, meeting rooms, and other incidental facilities or services.

“Impervious surface” means surface area that does not allow for water infiltration, or has a runoff coefficient of 0.90 or more (e.g., nonpermeable pavement, solid rock, roofs, foundations, underground tanks and vaults, and similar areas).

“Improvements” means and includes, but is not limited to, streets and roads complying with the development standards and specifications adopted by the city; public utility and pedestrian facilities; street lights; landscape features; bridge structures; storm drainage facilities; and traffic control devices as are required to be installed as a part of subdivision, short subdivision, large lot subdivision or binding site plan approval.

“Industrial park” means an area of land or site zoned and planned for industrial development. This may include warehouses, distribution centers, manufacturing, factories, and other industrial businesses.

“Institutional care” means a facility that provides continuous medical and/or mental health care services. This may include hospitals, nursing facilities, mental health institutions, rehabilitation centers, community residential facilities, or state owned and operated institutions.

“Junk yard” or “salvage yard” means a facility or establishment that is maintained, operated, or used for storing, keeping, buying, or selling of junk or scrap materials including old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof. This definition includes garbage dumps and sanitary landfills, but does not include litter, trash or other debris found outside of a designated facility or establishment.

“Kelso coordinate system” means the horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the city engineering department. The city of Kelso uses the NAD1983 for all GIS application coordinates.

“Kennel” means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner thereof. This definition shall include boarding kennels, but not pet shops, animal hospitals or zoos.

“Legal access” means a way or means of approach to provide physical entrance to a property approved by the local jurisdiction onto a publicly owned street. Access can be direct or provided through an easement.

“Lot” means a fractional part of subdivided or site planned land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

“Manufactured home” means a single-family dwelling required to be built in accordance with regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.).

“Manufacturing and processing” means the manufacturing, processing, fabrication, packaging, or assembly of goods with natural, man-made, raw, secondary, or partially completed materials. Products may be finished or semi-finished and are generally used for wholesale, transfer to other facilities for further processing, or for other establishments or consumers.

“Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. For the purposes of this title, “cannabis” or “marijuana” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana cooperative” means a group of more than one, but no more than four, qualified medical marijuana patients and/or designated providers who share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative.

“Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include usable marijuana.

“Marijuana processor” means a person licensed by the Washington State Liquor and Cannabis Board to process marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer” means a person licensed by the Washington State Liquor and Cannabis Board to plant, grow, harvest, and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana retailer” means a location licensed by the Washington State Liquor and Cannabis Board for the retail sale of usable marijuana and marijuana and marijuana-infused products.

“Marijuana state licensed facility” means a facility licensed by the Washington State Liquor and Cannabis Board to produce, process, or sell marijuana as well as state licensed cooperative.

“Marijuana, usable” means dried marijuana flowers. The term “usable marijuana” does not include marijuana-infused products.

“Marine shipping facility” means buildings or structures that are used in connection with the transport, storage, or distribution of commercial goods on, over, or across the waterways or shorelines including docks, wharves, warehouses, piers, and other terminal and transportation facilities. This may also include buildings or structures used for the construction, rehabilitation, or repair of commercial vessels, which are owned, leased, operated by or on behalf of a port authority.

“Microbrewery,” “microdistillery,” or “microwinery” means the same as “brewery/distillery/winery” except for the following: a microbrewery shall have a capacity of not more than fifteen thousand barrels a year, a microdistillery shall produce no more than 40,000 proof gallons per year, and a microwinery shall produce no more than three thousand cases of wine per year. Per RCW 66.24.244(3), a microbrewery may also sell beer produced by another microbrewery or a domestic brewery for on- and off-premises consumption from its premises as long as the other breweries’ brands do not exceed twenty-five percent of the microbrewery’s on-tap offering of its own brands.

“Mining” means the mining, extracting, producing, or handling natural minerals or materials from the earth.

“Mixed-use residential” means a building or development that combines multiple uses such as commercial or institutional uses with residential units, where non-residential uses are physically and functionally integrated into the planned development.

“Mobile home” means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development Code, and acceptable under applicable

state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.

“Multi-family residence” means a building, complex, or development that consists of four or more dwelling units contained within one building or several buildings within one complex but does not include trailer parks.

“Nuisance, public” means any use, activity or structure that materially interferes with or jeopardizes the health, safety, or the welfare of others or the quiet enjoyment and use of one’s property and/or fails to conform with the provisions, intent or standards of the district in which the use, activity or structure occurs.

“Nursing home” means any home, place, institution or facility which provides convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable to properly care for themselves. Such facilities shall be licensed by the state of Washington as nursing homes in accordance with the provisions of Chapter [18.51 RCW](#).

“Office” means an establishment used as a place for business, professional, administrative, clerical, commercial or bureaucratic services. This may include medical and dental offices.

“Open record public hearing” means a hearing conducted by the city that creates a record through testimony and the submission of evidence and information. An open record public hearing held before a decision is made on a project permit may also be known as an open record predecision hearing. An open record hearing held during an appeal may also be known as an open record appeal hearing if no open record predecision hearing was held.

“Ordinary high water mark” means the mark on all lakes, rivers, and streams that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation. If the ordinary high water line cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water.

“Parking facility” means a building, structure, lots, equipment, or other facility that is developed, used, and maintained for the off-street parking of motor vehicles.

“Participant sports” or “spectator sports” means recreational sport activities that require the participation of players, contestants, team members, coaches, managers, or trainers at either a professional or amateur level and may involve the presence of spectators.

“Person” means every person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

“Personal services” means uses that offer specialized goods and services including barber shops, beauty shops, dry cleaning, tanning salons, tattoo parlors, clothing repair or tailoring and other similar establishments.

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications.

“Preliminary approval” means the official action taken on a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval.

“Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

~~“Professional services” means uses such as accounting firms, credit bureaus, collection agencies, advertising agencies, contractor’s offices, ambulance service companies, employment agencies, finance companies, insurance agents, income tax return preparers, investment counseling firms, lawyer’s offices, or real estate companies.~~

“Proposed facilities modification” shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure for wireless facilities which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

1. Co-location of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

“Public works building” or “utility building” means a building, structure, facility, yard, or complex that houses equipment used by the Kelso public works department or in connection with a utility company to facilitate the maintenance and care of public infrastructure.

“Rail service and repair” means a public transit service operated by a rail track and the facilities required for maintenance of the rail service.

“Recreational vehicle” means a means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

“Recycling center” means a facility, establishment, or building that is operated, maintained, and used for the storing, keeping, buying, or selling of recyclable waste materials for the purpose of converting or processing collected materials into new materials or objects.

“Religious facility” means a facility in which the primary focus is religious worship. A religious facility may also include related activities including accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, a common kitchen, a library room or reading room, recreation hall and quarters on site for nuns and clergy, but excluding facilities for training of religious orders. A single-family dwelling (parsonage) is included in this definition with its use for the pastor or caretaker.

~~“Residential treatment facility” means a facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.~~

“Retail sales” or “retail services” means a location where products such as clothing, shoes, household goods, toys, office supplies, etc., are displayed and the public is allowed to purchase items.

“Retail service sales, large scale” means a building where products are displayed and sold larger than ten thousand square feet.

“Right-of-way, public” means the property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, levee or dike, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term “right-of-way” for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

“Roadside produce stand” means an establishment engaged in the retail sale of local fresh fruits and vegetables and having permanent or semi-permanent structures associated with such use.

“RV Park/Campground” means a designated area where visitors can park their recreational vehicles (RVs) and set up temporary camps. RV parks and campgrounds typically offer amenities such a utility hookups; facilities including restrooms, showers, laundry areas and communal spaces; and parking.

“School” means an institution for public or private education.

~~“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i).~~

“Setback” means the minimum distance required between a specified object, such as a building, and another point. It is measured from lot lines at a right angle to a specified object. ~~Typically, a setback refers to the minimum distance from a building to a specified lot line.~~ Generally, setbacks are measured along a line that is perpendicular to the property line and extended from the property line inward towards the center of the lot. If the property line is curved, the setback shall be measured along a line that is a radius to the curve and extended from the lot line inward to the center of the lot.

“Sexually oriented business” means those businesses defined as follows:

1. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
2. “Adult bookstore,” “adult novelty store” or “adult video store” means a commercial establishment which has a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. An establishment may have another significant or substantial portion of its stock-in-trade that does not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities. Therefore, any establishment having twenty percent or more of its stock-in-trade or revenues that come from trading in material depicting or describing specified sexual activities or specified anatomical

areas shall be categorized as an adult bookstore, an adult novelty store, or an adult video store.

3. "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features:

- a. Persons who appear nude or semi-nude;
- b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- c. Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

4. "Adult motel" means a hotel, motel, or similar commercial establishment which:

- a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- b. Offers a sleeping room for rent for a period of time that is less than twenty hours; or
- c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty hours.

5. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are regularly shown for any form of consideration.

6. "Adult theater" means a concert hall, theater, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by exposure of specified anatomical areas or specified sexual activities.

7. "Nude or semi-nude model studio" means any place where a person who appears nude or semi-nude or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

8. "Specified anatomical areas" means and includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

9. "Specified sexual activities" means and includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- c. Masturbation, actual or simulated; or
- d. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- e. Excretory functions as part of or in connection with any of the activities set forth in subsections (9)(a) through (d) of this definition.

"Shelters" means a facility for 8 or more residents maintained by a nonprofit organization that provides short-term shelter, support, and crisis services to individuals and families who are facing or at risk of homelessness.

"Short plat (short subdivision)" means the process of dividing or redividing land into four or fewer lots, tracts, sites, parcels or divisions.

"Sign" means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any place, subject, person, firm, business, product, article, merchandise or point of sale. A sign also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or noncorporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or products. A sign includes any device which streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors. The different types of signs addressed in this chapter are defined as follows:

1. “Sign—freestanding” means a sign and its support structures, poles, or base standing on the ground and that are independent from any building or structure.
2. “Sign—freeway” means a sign situated within a radius of one thousand feet from a freeway entry/exit point, but not separated by a physical barrier from the entry/exit intersection. A freeway sign is primarily oriented to the passing motorist on the adjacent freeway. No wall-mounted sign can be classified as a freeway sign. Freeway signs may not be wall-mounted.
3. “Sign—monument” is a freestanding, low-profile sign which is attached to the ground by means of a wide base of solid appearance and the width of the sign is greater than the height of the sign.
4. “Sign—portable” means a freestanding sign that is readily movable and not permanently affixed to the ground, including A-frame or sandwich board signs, pole signs mounted on weighted bases, and similar signs that are used on more than a temporary basis.
5. “Sign—projecting” means a sign that is affixed to a building or wall and projects perpendicular from the surface of such a building or wall face. Projecting signs include signs projecting directly from walls or hanging from ceilings or other support structures.
6. “Sign—sandwich board” or “A-frame sign” means a portable sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign capable of standing without support or attachment.
7. “Sign—temporary” means any sign or advertising display located outside of a building constructed of cloth, wood, canvas, light fabric, paper or other light materials with or without frames intended to be displayed for a limited time only and not permanently mounted.
8. “Sign—wall” is any permanent sign that is attached parallel to and extending not more than ten inches from the wall of a building. This includes painted, individual letter, and cabinet signs.

“Single-family residence” means a single detached dwelling unit that shares no common walls and is typically a stand-alone building.

“Social organization” or “fraternal organization” means an organization, society, or club comprising of members who are associated for a social, professional, or common purpose.

“Spectrum Act” shall mean and refer to the “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at [47](#) U.S.C. Section [1455\(a\)](#)).

“Structure” means any manmade assemblage of materials extending above or below the surface of the earth and affixed or attached thereto.

“Structure height” means the highest point above grade of a structure other than a building, except as otherwise provided by this code.

“Subdivider” means a person who undertakes the subdividing of land.

“Subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions, which are less than five acres in area, whether immediate or future, for the purpose of sale, lease or transfer of ownership. This definition applies whether or not there is a dedication involved.

“Temporary homeless encampment” means temporary shelters, typically with tents or similar sleeping shelters, toilets, running water, garbage collection, cooking facilities, first aid, and other safety measures for individuals and families who are facing or at risk of homelessness.

“Townhouse” means a form of attached housing comprised of a single building where dwelling units are separated by vertical fire walls. Each unit is located on its own individual legal lot of record, has its own independent access and its own front and rear yard.

“Transit facility” means a facility used to provide access to transit services for loading, unloading, and interchange of transit passengers.

“Transitional housing facility” means a congregate facility that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually twenty-four months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

“Treatment center (in-patient)” means a facility for purposes of evaluation and treatment of any individual with a chemical dependency or mental disorder that requires patients to be admitted to the facility for an extended period.

“Treatment center (out-patient)” means a facility for purposes of evaluation and treatment or evaluation and referral of any individual with a chemical dependency or mental disorder.

“Triplex” or “fourplex” means either three-unit or four-unit multi-family residential structures with shared common walls, ceilings, or floors.

“Urban rest stop” means a facility that provides day use services rather than overnight stays and provides different kinds of facilities and services to assist those who may not have permanent housing, such as laundry facilities, cooking facilities, bathrooms, and showers.

“Utilities easements” means an easement which may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone and television cable for the construction, operation, maintenance, alteration and repair of their respective facilities.

“Variance” means an authorization granting relief under the provisions of Section 17.10.040 from the literal enforcement of this chapter, when special conditions exist or unusual hardship will result therefrom. (Ord. 3906 § 3 (Exh. A), 2018)

“Vehicle sales and services” means an establishment that provides the sale, rental, maintenance services, or storage facilities for passenger vehicles, trucks, vans, motorcycles, recreational vehicles, or other motor vehicle.

“Veterinarian clinic” means a facility that provides medical or surgical treatment to animals by a licensed veterinarian and may also include the boarding, grooming, examination, and observation of animals.

“Warehouse” means a building that is used for the storage of manufactured goods or raw materials by manufacturers, importers, exporters, wholesalers, transit businesses, etc.

“Wetland” or “wetlands” means area inundated or saturated by surface waters or groundwater of a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if allowed by the city.

“Wholesale services” means an establishment or business that is primarily engaged with selling merchandise in large quantities to other businesses, including retailers, industrial, commercial, institutional, or other professional businesses, or act as agents or brokers for merchandise between individuals or companies.

“Wireless base station” shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this section or any equipment associated with a tower.

1. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

3. The term includes any structure other than a tower that, at the time a wireless eligible facilities modification application is filed with the city under this section, supports or houses equipment described in subsections (1) and (2) of this definition, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

4. The term does not include any structure that, at the time a completed wireless eligible facilities modification application is filed with the city under this section, does not support or house equipment described in subsections (1) and (2) of this definition.

“Wireless co-location” for the purposes of administering regulation of wireless communication facilities shall mean and refer to the mounting or installation of wireless transmission equipment on a wireless eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

“Wireless communication facility” means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, tower, or a support structure, antennas (e.g., omnidirectional, panel/directional or parabolic) and related equipment.

“Wireless communication facility category 1” is a wireless communication facility that consists of antennas equal to or less than ten feet in height or up to one meter (39.37 inches) in diameter and with an area not more than thirty square feet in the aggregate that is affixed to an existing structure that is not considered a component of the facility.

“Wireless communication facility category 2” is an attached wireless communication facility that consists of antennas greater than ten feet in height, one meter (39.37 inches) in diameter and with an area greater than thirty square feet in the aggregate that is affixed to an existing structure or any size antenna or related equipment that is attached to a lattice tower or monopole.

“Wireless conceal” or “concealment” for the purposes of administering the regulation of wireless communication facilities shall mean and refer to wireless eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or wireless base station.

“Wireless eligible facilities modification” shall mean and refer to any proposed facilities modification that has been determined pursuant to regulations governing wireless communication facilities which does not result in a substantial change in the physical dimensions of a wireless eligible support structure.

“Wireless eligible facilities modification application” or “application” shall, unless the context clearly requires otherwise, mean and refer to a written document submitted to the city pursuant to regulations governing wireless communication facilities for review and approval of a proposed facilities modification.

“Wireless eligible facilities modification permit” or “permit” shall, unless the context clearly requires otherwise, mean and refer to a written document issued by the city pursuant to regulations governing wireless communication facilities approving a wireless eligible facilities modification application.

“Wireless eligible support structure” shall mean and refer to any existing wireless tower, or wireless base station that is in existence at the time the eligible facilities modification application is filed with the city.

“Wireless, existing” for the purposes of administering the regulation of wireless communications facilities shall, for purpose of regulations governing wireless communication facilities and as applied to a wireless tower or wireless base station, mean and refer to a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the city, or under another state, county or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

“Wireless FCC eligible facilities request rules” shall mean and refer to [47 CFR Part 1](#) (Part 1—Practice and Procedure), Subpart CC, Section 1.40001 as established pursuant to its report and order in In re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238 and 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.

“Wireless proposed facilities modification” shall mean and refer to a proposal submitted by an applicant to modify a wireless eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

1. Co-location of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

“Wireless site” for purposes of administering the regulations governing wireless communication facilities shall, for towers other than towers in the public rights-of-way, mean and refer to the current boundaries of

the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other wireless eligible support structures, shall mean and be further restricted to that area in proximity to the structure and to other wireless transmission equipment already deployed on the ground.

“Wireless small cell facility” shall mean and refer to a personal wireless services facility that meets both of the following qualifications:

1. Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
2. Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, and cut-off switch.

“Wireless small cell network” shall mean and refer to a collection of interrelated small cell facilities designed to deliver personal wireless services.

“Wireless tower” or “tower” shall mean and refer to any wireless communication support structure or any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated wireless site.

“Wireless transmission equipment” shall mean and refer to equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

“Yard” means the open space between a building and the property lines. Front yard specifically refers to the open space between the primary building and the front property line. (Ord. 3990 § 3 (Exh. A), 2023; Ord. 3889 § 3 (Exh. A), 2017)

“Youth-oriented business” means an establishment that advertises in a manner that identifies an establishment as catering to or providing services intended for minors; or an establishment where the individuals who regularly patronize, congregate, or assemble at the establishment are predominantly minors.