

Chapter 17.14
USE CLASSIFICATIONS

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17.14.010 Purpose.

The purpose of this chapter is to classify land uses and activities into use categories based on functional, product, or physical characteristics. Use classifications provide a basis for assigning current and future uses to zones and overlay zones. Uses are allowed or prohibited in various zones based on the goals and policies of the Kelso Comprehensive Plan.

17.14.020 Classification of Uses.

A. Organization. Uses categories and use classifications are organized in Table 17.14.020.A.

<u>Table 17.14.020.A. Organization of Uses.</u>		
<u>Classification</u>	<u>Category</u>	<u>Use</u>
<u>Residential</u>	<u>Household Living</u>	<u>Accessory Dwelling Unit</u>
		<u>Community Garden</u>
		<u>Cottage Cluster</u>
		<u>Day Care (in-home)</u>
		<u>Duplex</u>
		<u>Mixed-Use Residential</u>
		<u>Mobile Home</u>
		<u>Multi-Family Residence (5+ units)</u>
		<u>Single-Family Residence</u>
		<u>Townhouse</u>
	<u>Triplex and Fourplex</u>	
	<u>Special Needs Housing and Facilities</u>	<u>Adult Family Home</u>
		<u>Assisted Living Facility</u>

		Halfway House
		Nursing Home
		Shelter
		Transitional Housing Facilities
		Treatment Center (in-patient)
		Temporary Homeless Encampment
Commercial	Business and Professional Services	Audio/Visual Media Production
		Funeral Home/Mortuary
		Office
		Treatment Center (out-patient)
		Veterinarian Clinic
	Retail Sales and Services	Arts and Entertainment
		Athletic Club/Exercise Facility
		Card Rooms
		Eating and Drinking Establishments
		Microbrewery/Microdistillery/Microwinery
		Participant/Spectator Sports
		Personal Service
		Retail Sales/Services
		Retail Service Large Scale
		Motor Vehicle Sales and Services
	Commercial Truck Stop	
	Parking Facility	
	Vehicle Sales and Services	
	Lodging	Bed and Breakfast Inn
		Hotel/Motel
Industrial	Industrial Service	Brewery/Distillery/Winery
		Commercial Laundry
		Commercial Moving/Storage
		Construction Landscaping
		Industrial Park
		Junk/Salvage Yard
		Kennels
		Manufactured Home Sales

		<u>Manufacturing and Processing</u>
		<u>Marine Shipping Facility</u>
		<u>Rail Service/Repair</u>
		<u>Recycling Center</u>
		<u>Warehouses</u>
		<u>Wholesale Services</u>
<u>Institutional</u>	<u>Education</u>	<u>Schools</u>
		<u>Day Care Facility</u>
	<u>Civic Services</u>	<u>Auditorium/Meeting Hall</u>
		<u>Correction/Detention/Prison Facility</u>
		<u>Government Office</u>
	<u>Community Service</u>	<u>Community Center</u>
		<u>Social/Fraternal Organization</u>
		<u>Urban Rest Stops</u>
		<u>Emergency Shelter</u>
	<u>Health Services</u>	<u>Health Care Facility</u>
		<u>Hospital</u>
	<u>Religious Institutions</u>	<u>Church/Religious Facility</u>
	<u>Parks and Open Areas</u>	<u>Boat Launch</u>
		<u>Cemetery/Mausoleum</u>
		<u>Public Facility/Park</u>
		<u>RV Park/Campground</u>
	<u>Utilities</u>	<u>Airport</u>
		<u>Fire and Ambulance Stations</u>
<u>Public Works/Utility Buildings</u>		
<u>Transit Facilities</u>		
<u>Other</u>	<u>Natural Resources</u>	<u>Agriculture</u>
		<u>Dredge Spoils Storage</u>
		<u>Mining</u>
	<u>Wireless Facilities</u>	<u>Wireless Communications, Category 1</u>
		<u>Wireless Communications, Category 2</u>
	<u>Adult-Oriented Businesses</u>	<u>Marijuana – State Licensed Facility</u>
		<u>Sexually Oriented Business</u>

- B. Use. The primary activity or activities that occur within a development or property establish the use. Primary activities fall within a specific use when the description of the activity fits the characteristics of the use category.
- C. Accessory Uses. Activities that are clearly incidental to, dependent upon, or conducted in support of one or more primary activities within a development or property are accessory uses.
- D. Application of regulations. In cases with multiple uses on a development or property, each use must comply with the established regulations that are specific to each use. Accessory uses are deemed as part of the primary use and subject to the same regulations of the primary use.
- E. Activities within public right-of-way. Unless otherwise stated in this chapter, activities allowed within the public right-of-way are not considered a “use” for purposes of classification under this chapter.
- F. Similar use determination. The purpose of a similar use determination is to provide a formal interpretation process to classify an activity as falling within a particular use when that activity cannot otherwise be readily classified as a particular use set forth in this chapter, or when that activity possesses characteristics of two or more uses.
1. Procedure. Similar use determinations shall follow the procedures set forth in KMC 17.08 for Class 1 review.
 2. Review Authority. The Director or their designee is authorized to issue similar use determinations.
 3. Submittal Requirements. Request for similar use determinations shall be accompanied by the following submittal requirements:
 - a. A written statement:
 - i. Identifying the proposed activity for which the similar use determination is being requested;
 - ii. Describing the nature and characteristics of the proposed activity; and
 - iii. Identifying the use under this chapter which the applicant feels is most similar in function and characteristics to the activity proposed.
 - b. Any additional supporting information the applicant deems necessary to provide evidence in support of the activity falling within a particular use;
 - c. For similar use determinations to a specific property that is subject to an active and duly incorporated Homeowner’s Association (HOA) registered with the Washington Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.
 4. Decision. Subsequent to the application being deemed complete, the Director or their designee shall review the request and make a determination classifying the proposed activity within the use set forth in this chapter that the proposed activity is most similar to. The determination shall:

- a. Be based on the facts contained within the record and a comparison of the functional characteristics of the proposed activity to the relevant functional characteristics, examples, and exceptions associated with the uses set forth in this chapter; and
- b. Be in the form of a written order containing findings stating the facts relied upon in rendering the determination and explaining the justification for the decision.

G. Change of use. A change of use occurs when a proposed activity is in a different use classification than the current activity on the property. Changing from one activity to another activity within a use may result in the use or activity being required to comply with different development standards.

17.14.030 Residential Use Categories.

A. Household Living.

- 1. Characteristics. Consists of the residential occupancy of an owner-occupied or rented dwelling unit for a long-term period, typically 30 days or more.
- 2. Uses.
 - a. Accessory Dwelling Unit.
 - b. Community Garden.
 - c. Cottage Cluster.
 - d. Day Care (In-Home).
 - e. Duplex.
 - f. Mixed-Use Residential.
 - g. Mobile Home.
 - h. Multi-Family Residence (5+ units).
 - i. Single-Family Residence.
 - j. Townhouse.
 - k. Triplex and Fourplex.
- 3. Accessory Uses. Includes garage and yard sales, home businesses, livestock and fowl, etc.

B. Special Needs Housing and Facilities.

- 1. Characteristics. Consists of the residential occupancy of a dwelling unit or congregate housing facility for a long-term period, typically 30 days or more, by a group of people not meeting the characteristics of household living such as those requiring supportive housing due to physical, developmental, or intellectual disabilities OR due to social, economic, or health-related circumstances. Uses with tenancy of a short-term period less than 30 days are not considered residential and are classified as lodging (see the Commercial Use Categories).
- 2. Uses.
 - a. Adult Family Home.
 - b. Assisted Living Facility.

- c. Congregate Care.
- d. Halfway House.
- e. Nursing Home.
- f. Shelter.
- g. Transitional Housing Facilities.
- h. Treatment Center (in-patient).
- i. Temporary Homeless Encampment.

17.14.040 Commercial Use Categories.

A. Business and Professional Services.

1. Characteristics. Consists of establishments that generally provide professional services or produce intellectual property, rather than physical products or goods. Business and professional service uses generally do not sell, rent, lease, or provide repair or maintenance services for physical products to customers. While customers may come to the site, typically by appointment, the customer or client does not need to be present in order to receive services.

2. Uses.

- a. Audio/Visual Media Production.
- b. Funeral Home/Mortuary.
- c. Office.
- d. Treatment Center (out-patient).
- e. Veterinarian Clinic.

B. Retail Sales and Services.

1. Characteristics. Consists of the sale, lease, or rental of products or services to the general public for personal or household use. They may also provide personal services, entertainment, product report, or services for consumer and business goods. Customers typically purchase goods or services on-site. Some delivery or shipping may also be included.

2. Uses.

- a. Arts and Entertainment.
- b. Athletic Club/Exercise Facility.
- c. Cards Room.
- d. Eating and Drinking Establishments.
- e. Microbrewery/Microdistillery/Microwinery.
- f. Participant/Spectator Sports.
- g. Personal Service.
- h. Retail Sales/Services.
- i. Retail Service Large Scale.

C. Motor Vehicle Sales and Services.

1. Characteristics. Consists of the sales, leasing, and rental of new and used motor vehicles and trailers and includes vehicle repair services and gas stations. Motor vehicles and trailer sales typically requires extensive indoor and/or outdoor display and storage areas. Customers typically come on-site to view, select, purchase, and/or pick up motor vehicles or trailers.
2. Uses.
 - a. Boats Sales, Services, and Storage.
 - b. Commercial Truck Stop.
 - c. Parking Facility.
 - d. Vehicle Sales and Services.

D. Lodging.

1. Characteristics. Consists of the occupancy of living or sleeping accommodations on a temporary basis, may include commercial lodging facilities on a short-term basis.
2. Uses.
 - a. Bed and Breakfast Inn.
 - b. Hotel/Motel.

17.14.030 Industrial Use Categories.

A. Industrial Service.

1. Characteristics. Consists of the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Typically, provides centralized services for separate retail uses. Contractors and building maintenance services and similar uses perform services off-site with few customers coming on-site.
2. Uses.
 - a. Brewery/Distillery/Winery.
 - b. Commercial Laundry.
 - c. Commercial Moving/Storage.
 - d. Construction Landscaping.
 - e. Industrial Park.
 - f. Junk/Salvage Yard.
 - g. Kennels.
 - h. Manufactured Home Sales.
 - i. Manufacturing and Processing.
 - j. Marine Shipping Facility.
 - k. Rail Service/Repair.
 - l. Recycling Center.

m. Warehouses.

n. Wholesale.

17.14.030 Institutional Use Categories.

A. Education.

1. Characteristics. Consists of public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

2. Uses.

a. Schools.

b. Day Care Facility.

B. Civic Services.

1. Characteristics. Consists of governmental or nonprofit entities provided services related to the administration of the government or provided social assistance or services.

2. Uses.

a. Auditorium/Meeting Hall.

b. Correction/Detention/Prison Facility.

c. Government Office.

C. Community Service.

1. Characteristics. Consists of public, nonprofit, or charitable uses that generally provides a local service to the people of the community. Typically, services are provided on-site and may have employees at the site on a regular basis. The service is ongoing rather than for special events or temporary uses. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.

2. Uses.

a. Community Center.

b. Social/Fraternal Organization.

c. Urban Rest Stops.

d. Emergency Shelter.

D. Health Services.

1. Characteristics. Consists of prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care personnel.

2. Uses.

a. Health Care Facility.

b. Hospital.

E. Religious Institutions.

1. Characteristics. Consists of meeting facilities or areas for primarily religious activities.

2. Uses.

- a. Church/Religious Facility.

F. Parks and Open Areas.

1. Characteristics. Consists of uses of land focusing on natural areas, large open areas consisting of primarily vegetative landscaping or outdoor recreation, community gardens, or public squares.

2. Uses.

- a. Boat Launch.
b. Cemetery/Mausoleum.
c. Public Facility/Park.
d. RV Park/Campground.

G. Utilities.

1. Characteristics. Consists of facilities providing utility services which may include water; wastewater; stormwater facilities; natural gas; electricity; solid waste; or transportation.

2. Uses.

- a. Airport.
b. Fire and Ambulance Stations.
c. Public Works/Utility Buildings.
d. Transit Facilities.

17.14.030 Other Use Categories.

A. Natural Resources.

1. Characteristics. Consists of resources derived from nature and used with or without processing such as agricultural farming, natural resource extraction, and the storage of natural materials.

2. Uses.

- a. Agriculture.
b. Dredge Spoils Storage.
c. Mining.

B. Wireless Facilities.

1. Characteristics. Consists of all devices, equipment, machinery, structure or supporting elements necessary for wireless communications and services.

2. Uses.

- a. Wireless Communications, Category 1
b. Wireless Communications, Category 2

C. Adult-Oriented Businesses.

1. Characteristics. Consists of establishments that conducts, performs, or operates business activity which require mitigation of adverse secondary effects that can be generated by the unregulated

operation of adult-oriented business such as sexually oriented businesses or the sale of marijuana which is regulated by the state.

2. Uses.

a. Marijuana – State Licensed Facility.

b. Sexually Oriented Business.