



Kelso Planning Commission Agenda

Meeting at 6:00p.m.
Tuesday, May 13, 2014
203 South Pacific Ave., City Hall Council Chambers

Agenda	Approved/ Denied	Remarks
<p>Call to Order:</p> <p>1. Roll Call</p>		
<p>Approve Minutes:</p> <p>1. April 8, 2014 Meeting Minutes</p>		
<p>Presentation:</p> <p>1. Introduction of James Hill. Appointed to Planning Commission Position No. 5</p>		
<p>Public Hearing:</p> <p>1. Amendments to the Kelso Municipal Code on the receipt and processing of applications for permits for the establishment, operation, and maintenance of certain transition housing land uses.</p>		
<p>Citizen Business:</p>		
<p>Action/Motion Items:</p> <p>1. Recommendation to Council. Amending various sections of the Kelso Municipal Code relating to Emergency Housing, Low Barrier Emergency Housing, and Urban Rest Stops and identifying the permitted zones for such uses, establishing regulations for such uses, and repealing the moratorium in effect on such uses.</p> <p style="margin-left: 40px;">a. Ordinance – Planning Commission Preferred Code Language</p> <p style="margin-left: 40px;">b. Ordinance – Staff Recommended Code Language</p>		
<p>Commission Business:</p>		
<p>Adjournment:</p> <p>Next Regularly Scheduled Meeting June 10, 2014 at 6:00 p.m.</p>		

City of Kelso Community Development Department (360) 423-9922.
The agenda can be found on the Kelso website at <http://www.kelso.gov/planning-commission/agendas>.



Kelso Planning Commission Meeting Minutes

Tuesday, April 8, 2014

6:00pm – 7:38pm

Commissioners Present: Clark Hislop, Dan Jones, Rick VonRock, Jared Wade.

Commissioners Absent: Vacant Position No. 5, Toby Tabor, James Webb.

Staff Present: Michael Kardas, Community Development Director; Janean Parker, City Attorney; Stephanie Helem, Recording Secretary.

Call to Order:

Chair Rick VonRock called the meeting to order at 6:00pm.

Minutes:

Commissioner Jones made the motion, seconded by Commissioner Wade to approve the minutes of March 11, 2014. Motion carried, all in favor.

Commission Business:

1. Low Barrier Housing Discussion. City Attorney Janean Parker, gave an overview of a memorandum provided to the Commission. Current six month moratorium is in effect through the end of July. It is possible to renew the moratorium. The purpose of the moratorium was there was citizen concerns, comments to the council. The citizen concern was secondary negative impacts to the neighborhoods, if there weren't some regulations. Council would like the Commission to study the matter and bring back for recommendation for approval. There is not a clear definition of low barrier housing or urban rest stop. Under the current code there is a definition of emergency shelter and transitional housing facility. Examples of code from other jurisdictions was given. Common permitting requirements are number of clients and type of permitting. In the Chelan example drugs and alcohol would not be allowed at the facility.

Commissioner VonRock. Is there a desire for the city to have an urban rest stop and a low barrier shelter? If this is desired where would it be zoned? Do we have requirements? Do we allow people on drugs and drinking alcohol or carrying weapons?

Commissioner Jones would like to see emergency shelters and traditional housing be made conditional use and zoned the same. Discussion followed.

Ms. Parker suggested from a legal prospective define it more broadly and set the regulations that apply to all.

Ms. Parker continued to give an overview of options as listed in the memorandum.

Option 1. Do nothing. One of the disadvantages it would put staff in the position of evaluating the many operational aspects of particular shelters to try to figure out where they fit.

Option 2. Draft definitions regarding what a low barrier shelter and what an urban rest stop is and try to distinguish from the existing emergency shelter and transitional housing. One of the disadvantages are there are not any examples that could be found that address this particular emerging land use. It would be untested.

Option 3. Find the existing definitions are sufficient. Look at the zoning. One example would be a conditional use permit. Craft some conditions that regulates that specific use so the hearing examiner has the authority within the standards the ordinance sets to craft conditions that meet those

standards. The advantage is this is consistent with how these uses are regulated, generally as found throughout the state.

Option 4. Similar to 3. Ninety day and two year shelter are not broad enough to encompass what might come in the door. Let the process dictate what the regulations are. Option 3 and 4 are similar. They envision a definition and determine the appropriate regulations for the broader definition.

Option 5. Chelan model. The city not to allow any drugs or alcohol at any of the facilities. This would take care of the specific and immediate problem the Council asked the Commission to look at.

Option 6. Define urban rest stop and where this use fits in zoning.

Ms. Parker. If the intent was to distinguish and prohibit low barrier, alcohol and drug use, option 5 might be the best way to accomplish this. If the intent is to substantially regulate the uses something along the lines of option 3 and 4. Preference is conditional use permit. There are pros and cons to the conditional use permit.

Public Comment:

Nicole Mickey, 1106 S 3rd Ave., Kelso, WA. Concern is drug use, needle use. Most of you may be aware of the newspaper article on the 1st with Lake Sacajawea and all the needles. This is a concern with people with children. A shelter is for everyone. If someone is recovering from drugs and alcohol, are they going to feel comfortable going there? Consider the safety of the public. People do need to be helped with guidelines.

Adena J. Grigsby, 1109 S. 3rd Ave., Kelso, WA. Biggest concern has been public safety in talking about the low barrier shelter where people are drunk and high. At the March 13th Longview City Council meeting, there were many members of the board of directors of Community House. They discussed their decision to stop serving anyone and everyone because of the safety risks associated with that. Last September they put in gardens along the Three Rivers House of Prayer building and they found two hundred needles under the grass. This is right where the current rest stop is currently run. They have had issues with people coming in and starting fights and pushing drugs on community house residents. That is the kind of situation that you will end up dealing with any low barrier services. Trying to clean up our town. There is the South Kelso Revitalization Plan and part of the plan is to develop a crime and safety plan with police and community leaders so residents can work toward a neighborhood free of crime, drugs and gangs. This is something that is going to hurt whatever area it goes in if you are allowing people to continue on the path their on without requirements.

Chuck Hendrickson, 121 Olive St., Kelso, WA. Executive Director of Love Overwhelming. Currently operates an urban rest stop. Did operate an overnight low barrier shelter. Excited to work with the city of Kelso. Recently received another grant from the County to operate the County's Coordinated Entry and Assessment Center. They will have three full time staff that will work on case management with all of the clients that come in. The model is that they (clients) would come in and get overnight emergency shelter. During the day they would have access to the urban rest stop and have access to a case manager. Working on partnering with other agencies and community partners for this program. Direct warm handoffs. Clients are not allowed to drink or get high on premises. There is a lot of mental illness that comes across as being drunk or high. Staff is not substance abuse qualified. No UA's or breathalyzers are done. Currently operates 8:00am to 11:30am, Monday through Wednesday. When we leave we clear off the alleys and clear out the front. We are not able right now because of the building we don't have, to be able to operate in the full capacity that we want to operate in. We have put in different Memorandum of Understandings for this new program to the Longview Police Department, Kelso Police Department, and the Kelso Council to be able to work together, including outreach opportunities, to put them in shelter once we have that place. The model is to be close to other social service and other agencies for transportation issues.

Susan, 1109 S. 3rd Ave, Kelso, WA. The easiest thing to do is rule that Kelso does not want or need a low or no barrier shelter. It would cause so many problems. It would stress the police, ambulance, fire department. We have enough crime right now. If they do have rules about not using drugs and alcohol during their stay, there are no rules when they are outside on the street and do what they want to do. Legally we cannot afford it. We have got to help people but they have to make the proper choices also. Does not want it to happen.

Ms. Parker. The city is aware Mr. Hendrickson is looking for something in this area. There is not an application pending. Advised not to draft legislation specific to an applicant. Look at what is best for the city overall and it would apply to everybody. Discussion followed.

Commission consensus. Staff to provide draft definitions of both types of shelters. Make it a conditional use in the industrial zone with standards.

Commissioner VonRock recommended having a workshop before public hearing.

Ms. Parker. To recap – for the May meeting have proposed language, June meeting have public hearing.

- 2. Marijuana Collective Gardens/Legislature Actions.** Commissioner VonRock. The Commission did not do anything on collective gardens hoping the State was going to take some action and they didn't.

Ms. Parker. Staff recommendation at the time that this be included in the same area of recreational marijuana. Discussion was there would be other zones more appropriate than industrial. Recap of where city was at when deciding to see what the state was doing. Discussion followed.

Collective gardens is currently not allowed. The moratorium was lifted when the council adopted the recreational use.

Commissioners Hislop and Wade. Follow the state guidelines and open up in all zones.
Commissioners Jones and VonRock. Would like to see in the marijuana zone the city has currently. Discussion followed.

Ms. Parker. She will pull the medical marijuana statutes and bring up in a future meeting when there are a few more members to get a consensus.

Commissioner Hislop thanked the public for their input.

Adjournment:

There being no further business, Commissioner Hislop made the motion, seconded by Commissioner Wade to adjourn at 7:38pm.

Rick VonRock, Planning Commission Chair

Respectfully submitted: Stephanie L. Helem, Recording Secretary

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that an open record public hearing is scheduled before the Kelso Planning Commission, Tuesday, May 13, 2014 at 6:00pm in the City Hall Council Chambers, 201 S. Pacific Avenue, Kelso, WA 98626.

The Kelso Community Development Department has submitted an application, on behalf of the City of Kelso to make certain amendments to the Kelso Municipal Code on the receipt and processing of applications for permits for the establishment, operation, and maintenance of certain transition housing land uses.

The hearing will allow the city to receive comments on the proposed text amendments. If you have any questions, please contact Michael Kardas, Kelso Community Development Director at (360) 423-9922. Be sure to reference file no. ZON14-001.

The Council Chambers room is handicap accessible. Arrangements to reasonably accommodate special needs, including handicap accessibility or interpreter, will be made upon receiving 24-hour advance notice. Contact the City Clerks Office at (360) 423-0900.



Community Development Department

203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626



Memorandum

To: Planning Commission
From: Michael Kardas, Community Development Director/City Engineer
Date: May 9, 2014
Subject: Low Barrier Housing

This memo provides background on the subject of low barrier housing within the City of Kelso. It also presents summaries of two options for the Commission to consider.

Background.

In December 2013, the City Council was approached by a group of citizens who were concerned that a certain type of development may be moving forward within the City known as low barrier housing, which was not adequately regulated and would allow negative secondary effects in their residential neighborhood. In order to allow time to review the matter and evaluate what regulations should be in place, the City Council adopted a moratorium on January 21, 2014 which temporarily prohibited low barrier shelters and urban rest stops. This moratorium is in effect until July 21, 2014.

At the February 11, 2014, Planning Commission meeting, the Planning Commission was informed a moratorium went into effect. The City Council has directed staff/Planning Commission to put together code language regarding low barrier housing, low barrier shelters and urban rest stops.

On February 27, 2014 a Planning Commission study session was held and Discussion and materials were provided for Low Barrier Shelters and Urban Rest Stops.

At the March 11, 2014 Planning Commission meeting the Commission was given information received by MRSC. Janean Parker, the City's attorney, led a discussion regarding if the city can legally deny low barrier shelters and/or urban rest stops in the City. The Commission was unanimously in favor of staff providing examples of potential code language.

At Planning Commission meeting held on April 8, 2014, a memo describing the issue, associated challenges, and available options was prepared by the City attorney and discussed with the Commission. At the end of the discussion the commission requested that staff prepare potential code language for review at the May 13 meeting. In response to this request, and after several meetings with City staff, the City's attorney drafted two options for consideration by the Planning Commission.

Option 1 contains the suggestions and comments of the Planning Commission and includes:



Community Development Department

203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626



1. Amending definitions to prohibit use of drugs and alcohol in order to prohibit low barrier type shelters
2. Adding a definition of Urban rest stop
3. Allowing emergency shelters and urban rest stops only in the industrial zones
4. Requiring a conditional use permit for the establishment of emergency shelters and urban rest stops.

During the last Planning Commission meeting several options were provided for consideration including each of these, but consensus was for merging several of the options. In further review they may have the potential to be too restrictive. In considering the City's comprehensive plan, allowing "lodging" type uses, in the industrial zone, even though the use is not truly residential, is likely to be inconsistent with the comp plan, which seeks to divide incompatible uses. Further if allowed in the industrial zone, it is not clear that the additional restrictions of a condition use permit would be needed, particularly since drug and alcohol use (creating the feared effects of low barrier shelters) is already prohibited by the change to the definition.

Option 2 contains the staff recommendation for Planning Commission consideration and includes:

1. Leaving the definition for emergency shelter and transitional housing largely the same and not seeking to regulate on this distinction.
At issue with this is the monitoring and enforcement of this type of definition. The condition is not based on the underlying use of the facility but on the actions of its clients.
2. Adding a definition of urban rest stop, which is new use that has not been previously defined.
3. Distinguishing zoning for transitional housing facilities based on the size of the facility, allowing smaller facilities to continue to operate in residential zones, but requiring larger facilities to be in Residential Multifamily, Commercial Town Center, Commercial West Kelso, and Commercial Specialty Retail and Services but requiring a condition use permit for such location to address any project specific issues.
4. Allowing emergency shelters to be allowed in Commercial Town Center, Commercial West Kelso, and Commercial Specialty Retail and Services and also require a conditional use permit to address project specific issues
5. Allow urban rest stops in Commercial Town Center, Commercial West Kelso, and Commercial Specialty Retail and Services zones, but also with a conditional use permit to address project specific issues.
6. Adopting standards for the consideration of the conditional use permit.

A public hearing has been scheduled and advertised to take additional public comment at the May 13th meeting. Staff is requesting that the Planning Commission provide a recommendation to the City Council.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON
AMENDING VARIOUS SECTIONS OF THE KELSO MUNICIPAL CODE
RELATING TO EMERGENCY HOUSING, LOW BARRIER
EMERGENCY HOUSING, AND URBAN REST STOPS AND
IDENTIFYING THE PERMITTED ZONES FOR SUCH USES,
ESTABLISHING REGULATIONS FOR SUCH USES, AND REPEALING
THE MORATORIUM IN EFFECT ON SUCH USES**

WHEREAS, the City Council adopted Ordinance ____ imposing a six-month moratorium on applications for transitional housing land uses within the City; and

WHEREAS, low barrier emergency housing facilities are a developing trend in the provision of social services to better meet the needs of the homeless population; these facilities have minimum admission requirements and do not prohibit illegal or addictive behaviors as a condition of admission and their primary purpose appears to be harm reduction instead of transition to permanent housing; and

WHEREAS, urban rest stops are also a developing trend in the provision of social services; these uses provide general day use of facilities to assist those who may not have permanent housing such as laundry and cooking facilities, bathrooms, and showers; and

WHEREAS, the City Council finds that potential secondary impacts from the establishment of low barrier and emergency shelter facilities and urban rest stops are not appropriate for any zoning designation within the City, and

WHEREAS, the Council has studied the land uses and other secondary impacts of these uses and has now drafted a zoning ordinance to address these impacts; and

WHEREAS the City Council finds that the health safety and welfare of the community is best served by these amendments to the Kelso Zoning Code regulating these uses; and

WHEREAS, the SEPA Responsible Official issued a threshold decision for this draft ordinance on _____, which was not appealed; and

WHEREAS, the Planning Commission has held several meetings and workshops to review and deliberate the issues surrounding these uses and on _____, the Planning Commission held a public hearing on the draft zoning ordinance; and

WHEREAS, the Planning Commission recommended approval of the draft zoning ordinance to the Council; and

WHEREAS, on _____, the City Council considered the draft zoning ordinance during its regular meeting; and

WHEREAS, the Council has decided to adopt zoning regulations related to emergency and low barrier shelters and urban rest stops and to formally repeal the interim zoning ordinance related these uses;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. Repeal of Moratorium. The moratorium imposed under Ordinance No.____ is hereby repealed in its entirety.

SECTION 2. Findings Adopted. The City Council adopts all of the ‘whereas’ sections of this Ordinance as findings in support of this ordinance.

SECTION 3. KMC Section 17.08 Amended. Kelso Municipal Code Section 17.08.020 is hereby amended to add and revise the definitions as set forth in Exhibit A, attached hereto and incorporated fully by this reference.

SECTION 4. KMC Section 17.15.020 Amended. Kelso Municipal Code Section 17.15.020 is hereby amended as set forth in Exhibit B, attached hereto and incorporated fully by this reference.

SECTION 5. KMC Section 17.30.040 Amended. Kelso Municipal Code Section 17.15.040 is hereby amended as set forth in Exhibit C, attached hereto and incorporated fully by this reference.

SECTION 6. Corrections. Upon approval of the City Attorney, the City Clerk and code reviser are authorized to make necessary corrections to this ordinance, including without limitation the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2014.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:_____

Exhibit A

Chapter 17.08.020—Definitions

...

“Emergency shelter” means a congregate facility~~ies~~ providing housing to shelter families and individuals offered on an emergency basis for a period not to exceed ninety days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Facilities that allow the use of alcohol and drugs while residing at the facility are not included within this definition and are not permitted.

...

“Transitional housing facility” means a ~~project-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. Facilities that allow the use of alcohol and drugs while residing at the facility are not included within this definition and are not permitted.

NEW—

“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. Facilities that allow the use of alcohol and drugs while at the facility are not included within this definition and are not permitted.

Table 17.15

Table 17.15 Allowable Land Uses	Residenti al Single- Family	Residenti al Multifam ily	Ope n Spac e	Commercial —Town Center	Commercial —West Kelso	Commercial Neighborhood Service Center	Commercial Specialty Retail and Services	Commercial—Major Retail	Industrial Light Manufacturi ng	Industrial General Manufacturi ng
	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Day care mini-center*		I								
Day care—adult*	II	II								
Adult family home	II	II		I ₁	I ₁	I ₁	I ₁	I ₁		
Expansion and/or reconstruction of a residence	I	I	III							
Mobile home parks and subdivisions (B)		II								
Livestock* (R)	I ₁₆									
Accessory apartment* (T)	II									
Temporary manufactured home for aged relative (U)	II									
AMUSEMENT AND RECREATION										

Table 17.15

Table 17.15 Allowable Land Uses	Residential Single-Family	Residential Multifamily	Open Space	Commercial—Town Center	Commercial—West Kelso	Commercial Neighborhood Service Center	Commercial Specialty Retail and Services	Commercial—Major Retail	Industrial Light Manufacturing	Industrial General Manufacturing
	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Recreation facilities, active*	II	II	III ₁₈	I ₅	I	I	I	I	II	II
Recreation facilities, passive*	I	I	I							
Participant sports and recreation—indoor				III ₅	I	I/II ₇	I	I	II	
Participant sports and recreation—outdoor			III ₁₈		II		II	I		
Trails			I							
Wildlife and nature preserves			I							
COMMUNITY SERVICES										
Art galleries, noncommercial	II	II								
Auditoriums,				II ₅	I		I	I		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
clubhouses, meeting halls										
Community centers	II	II		II ₅	I	I	I	I	I	I
Educational, cultural, or governmental	II	II		II	I	III	I	I	II	I
Health care facilities*	III	III		II	I	I ₇	I	I		
Clinics—walk in*				II	II	I	I	I		
Hospital	III	III				III				
Marinas, boardwalks, public piers				I	I		I	I		
Museums	III	III		II	II					
Assisted living home*	II	II				II				
Post office				I						
Religious facilities	II	II		II ₅	II	II ₇	II	II	II	II

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Social and fraternal clubs and lodges		II ₆		II	II					
Group home*	II	II								
Halfway house*	II	II		II ₅						
Day care center*	II	II		I ₅	II	II	II	II	II	
Transitional housing*	II	II		II ₅						
<u>Emergency Housing*</u>									<u>III</u>	<u>III</u>
<u>Urban Rest Stop*</u>									<u>III</u>	<u>III</u>
MANUFACTURING										
Agriculture* including agricultural processing									II	I
Fabrication, manufacture, assembly, processing, packaging, repair,									I ₉	I ₉

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Food products									I	I
Furniture and fixtures									I	I
Junk or salvage yards										I
Laboratories for scientific research, testing and experimental development that can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community									I	I
Marijuana producer, processor									I ₂₀	I ₂₀

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Mechanical, automotive, trucking, agricultural/forestry and contractors' or builders' equipment and supplies									I	I
Marine-oriented commercial and industrial activities									II ₁₀	II ₁₀
Microbrewery*				II _{5,7}			II	II	II	II
Printing and publishing									I	I
Recycling centers						II	II		I	I
Sales of items manufactured on site									II	II
Skating rink—indoor								II	III	III

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Vehicle towing and storage services									II	II
Vocational schools									I	I
Winery/brewery									I	I
Wood products									I	I
RETAIL TRADE AND SERVICE										
Automobile sales— new or used					I		I	I	II	
Bed and breakfast*	II	II		II ₁	I	I	I	I		
Brewpub				I	I	I	I	I		
Cart vendors				I	II	II	II	I	I	II
Cemeteries, mausoleums and columbaria	III	III								
Convenience stores					II	II	I			

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including gasoline sales and/or a car wash facility										
Crematorium	III	III								
Entertainment (e.g., theaters, video game arcades, etc., except adult motion picture theaters and other uses as described in Section 17.30.040 , Adult oriented business (AOB) overlay zone)				I ₇	I	II	I	I		
Farmer’s market				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
Fitness center/sports				II	II	II	I	I	II	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
club										
Formula take-out food restaurant with drive- through					I		I	I		
Formula take-out food restaurant without drive-through				I ₇	I		I	I		
Hotels, motels, inns*				I ₇	I		I	I		
Home occupation, major* (G, H)	II	II								
Home occupation, minor* (F, H)	I	I								
Kennels* (V)					II		II	II	II	
Minor vessel repair shop						I	I		I	I

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Mixed commercial/residentia l		III		I _{4,7}	I ₄	I ₄	I ₄	I ₄		
Mortuaries, funeral homes and funeral chapels	III	III		II _{5,7}	II		II			
Personal services*				I _{5,7}	I	I	I	I		
Pet shop*				I	I	I	I	I		
Professional offices		III		I ₇	I	I	I	I	II ₈	I ₈
Restaurants				I ₇	I		I	I	II ₁₁	II ₁₁
Retail sales marijuana									I ₂₀	I ₂₀
Retail sales and services with drive- through businesses* (I)					I		I	I	II	

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Retail sales and services without drive-through businesses				I _{7, 12}	I	I ₇	I	I		
Retail sales and services with screened outdoor storage				II _{5, 7}	II		II	II	I	I
Roadside stands				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
RV sales, storage and repair									I	I
Secondhand/consignment stores				I _{7, 12}	I	I ₇	I	I		
Sexually oriented business* (E)										
Small engine repair						I	I		I	
Taverns				I ₇	I		I	I		

Table 17.15

Table 17.15 Allowable Land Uses	Residenti al Single- Family	Residenti al Multifam ily	Ope n Spac e	Commercial —Town Center	Commercial —West Kelso	Commercial Neighborhood Service Center	Commercial Specialty Retail and Services	Commercial—Major Retail	Industrial Light Manufacturi ng	Industrial General Manufacturi ng
	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
shared use*										
Parking as principal use				II	I		I	I	II	I
Transit facilities				I ₁₄						
UTILITIES										
Public and private utility buildings and structures (L)	II	II	II	II	II	II	II	II	II	II
Communication antennas, category 1 (N)	I	I	I	I	I	I	I	I	I	I
Communication antennas, category 2 (O)	II		II	I	I	I	I	I	I	I
Communication antennas, category 3			II		II		II	II	I	I

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Table 17.15 Allowable Land Uses	Residenti al Single- Family	Residenti al Multifam ily	Ope n Spac e	Commercial —Town Center	Commercial —West Kelso	Commercial Neighborhood Service Center	Commercial Specialty Retail and Services	Commercial—Major Retail	Industrial Light Manufacturi ng	Industrial General Manufacturi ng
	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
(P)										
Communication towers and monopoles (Q)			II ₁₉		II ₁₉		II ₁₉	II ₁₉	II ₁₉	II ₁₉
WHOLESALE TRADE—STORAGE										
Self-service storage facilities; provided, that no outside storage is visible from adjoining properties and public rights-of- way						III			I	
Warehousing (wholesale, bulk retail and trade)								III		

I = Type I Permitted Use

II = Type II Administrative Use

III = Type III Conditional Use

* = Defined Term

Letters and numbers refer to footnotes and regulatory notes within Sections [17.15.030](#) and [17.15.040](#).

Exhibit C

KMC 17.15.040(C)

C. Halfway houses, group homes, ~~and~~ transitional housing, emergency shelters, and urban rest stops are subject to the following standards:

1. One off-street parking space is required for each on-shift, nonresidential employee in addition to the residential parking requirements. Residential driveways are acceptable access ways.
2. Access streets, parking and/or loading areas shall be sufficient to safely accommodate the number of estimated vehicle trips generated by the use.
3. No structured area for active play or play structures may be located in the front yard. In the event of double frontage or similar situations, the director or designee shall determine which yard would have the least visual impact to the neighborhood.
4. The site shall conform to the lot size, building size, setback and lot coverage requirements of the zoning district.
5. Provide an off-street drop-off/pick-up area.
6. Comply with all business licensing requirements.
7. No structural or decorative alteration is permitted in a residential zone if that alteration changes the residential character of an existing residential structure or is incompatible with surrounding residences.
8. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be developed for review and approval by the city engineer.
9. The site must be landscaped in a manner compatible with adjacent residences in residential zones according to a plan approved by the community development department.
10. The following criteria shall govern the review and approval of a conditional use permit for transitional housing, emergency shelters and urban rest stops:

A. Site Plan. A detailed site plan shall be submitted with the application. The Examiner may increase the Development Standards of the Kelso Municipal Code as necessary to ensure compatibility of the use with surrounding uses. The examiner shall take into consideration the neighborhood character and any adopted neighborhood plans.

B. Facilities must comply with all applicable standards, including International Building Code (IBC) standards for the number of residents or clients served. Adequate kitchens, bathrooms, lighting, safety features, and site access for emergency vehicles are required.

C. Separation. –Facilities must be at least 1/2 mile from similar uses.

D. Drugs and Alcohol. Use of alcohol and controlled substances, except by prescription, is strictly prohibited at the premises;

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON
AMENDING VARIOUS SECTIONS OF THE KELSO MUNICIPAL CODE
RELATING TO EMERGENCY HOUSING, LOW BARRIER
EMERGENCY HOUSING, AND URBAN REST STOPS AND
IDENTIFYING THE PERMITTED ZONES FOR SUCH USES,
ESTABLISHING REGULATIONS FOR SUCH USES, AND REPEALING
THE MORATORIUM IN EFFECT ON SUCH USES**

WHEREAS, the City Council adopted Ordinance ____ imposing a six-month moratorium on applications for transitional housing land uses within the City; and

WHEREAS, low barrier emergency housing facilities are a developing trend in the provision of social services to better meet the needs of the homeless population; these facilities have minimum admission requirements and do not prohibit illegal or addictive behaviors as a condition of admission and their primary purpose appears to be harm reduction instead of transition to permanent housing; and

WHEREAS, urban rest stops are also a developing trend in the provision of social services; these uses provide general day use of facilities to assist those who may not have permanent housing such as laundry and cooking facilities, bathrooms, and showers; and

WHEREAS, the City Council finds that potential secondary impacts from the establishment of low barrier and emergency shelter facilities and urban rest stops are not appropriate for any zoning designation within the City, and

WHEREAS, the Council has studied the land uses and other secondary impacts of these uses and has now drafted a zoning ordinance to address these impacts; and

WHEREAS the City Council finds that the health safety and welfare of the community is best served by these amendments to the Kelso Zoning Code regulating these uses; and

WHEREAS, the SEPA Responsible Official issued a threshold decision for this draft ordinance on _____, which was not appealed; and

WHEREAS, the Planning Commission has held several meetings and workshops to review and deliberate the issues surrounding these uses and on _____, the Planning Commission held a public hearing on the draft zoning ordinance; and

WHEREAS, the Planning Commission recommended approval of the draft zoning ordinance to the Council; and

WHEREAS, on _____, the City Council considered the draft zoning ordinance during its regular meeting; and

WHEREAS, the Council has decided to adopt zoning regulations related to emergency and low barrier shelters and urban rest stops and to formally repeal the interim zoning ordinance related these uses;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. Repeal of Moratorium. The moratorium imposed under Ordinance No. ____ is hereby repealed in its entirety.

SECTION 2. Findings Adopted. The City Council adopts all of the ‘whereas’ sections of this Ordinance as findings in support of this ordinance.

SECTION 3. KMC Section 17.08 Amended. Kelso Municipal Code Section 17.08.020 is hereby amended to add and revise the definitions as set forth in Exhibit A, attached hereto and incorporated fully by this reference.

SECTION 4. KMC Section 17.15.020 Amended. Kelso Municipal Code Section 17.15.020 is hereby amended as set forth in Exhibit B, attached hereto and incorporated fully by this reference.

SECTION 5. KMC Section 17.30.040 Amended. Kelso Municipal Code Section 17.15.040 is hereby amended as set forth in Exhibit C, attached hereto and incorporated fully by this reference.

SECTION 6. Corrections. Upon approval of the City Attorney, the City Clerk and code reviser are authorized to make necessary corrections to this ordinance, including without limitation the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____
_____, 2014.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:_____

Exhibit A

Chapter 17.08.020—Definitions

...

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

...

“Transitional housing facility” means a ~~project 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.

NEW—

“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.

Table 17.15

Table 17.15 Allowable Land Uses	Residential Single-Family	Residential Multifamily	Open Space	Commercial—Town Center	Commercial—West Kelso	Commercial Neighborhood Service Center	Commercial Specialty Retail and Services	Commercial—Major Retail	Industrial Light Manufacturing	Industrial General Manufacturing
	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Adult family home	II	II		I ₁	I ₁	I ₁	I ₁	I ₁		
Expansion and/or reconstruction of a residence	I	I	III							
Mobile home parks and subdivisions (B)		II								
Livestock* (R)	I ₁₆									
Accessory apartment* (T)	II									
Temporary manufactured home for aged relative (U)	II									
AMUSEMENT AND RECREATION										
Recreation facilities, active*	II	II	III ₁₈	I ₅	I	I	I	I	II	II
Recreation facilities, passive*	I	I	I							

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Participant sports and recreation—indoor				III ₅	I	I/II ₇	I	I	II	
Participant sports and recreation—outdoor			III ₁₈		II		II	I		
Trails			I							
Wildlife and nature preserves			I							
COMMUNITY SERVICES										
Art galleries, noncommercial	II	II								
Auditoriums, clubhouses, meeting halls				II ₅	I		I	I		
Community centers	II	II		II ₅	I	I	I	I	I	I
Educational, cultural, or governmental	II	II		II	I	III	I	I	II	I

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Health care facilities*	III	III		II	I	I ₇	I	I		
Clinics—walk in*				II	II	I	I	I		
Hospital	III	III				III				
Marinas, boardwalks, public piers				I	I		I	I		
Museums	III	III		II	II					
Assisted living home*	II	II				II				
Post office				I						
Religious facilities	II	II		II ₅	II	II ₇	II	II	II	II
Social and fraternal clubs and lodges		II ₆		II	II					
Group home*	II	II								
Halfway house*	II	II		II ₅						
Day care center*	II	II		I ₅	II	II	II	II	II	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
research, testing and experimental development that can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community										
Marijuana producer, processor									I ₂₀	I ₂₀
Mechanical, automotive, trucking, agricultural/forestry and contractors' or builders' equipment and supplies									I	I
Marine-oriented commercial and industrial									II ₁₀	II ₁₀

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
activities										
Microbrewery*				II _{5.7}			II	II	II	II
Printing and publishing									I	I
Recycling centers						II	II		I	I
Sales of items manufactured on site									II	II
Skating rink—indoor								II	III	III
Vehicle towing and storage services									II	II
Vocational schools									I	I
Winery/brewery									I	I
Wood products									I	I
RETAIL TRADE AND SERVICE										
Automobile sales—new or used					I		I	I	II	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Bed and breakfast*	II	II		II ₁	I	I	I	I		
Brewpub				I	I	I	I	I		
Cart vendors				I	II	II	II	I	I	II
Cemeteries, mausoleums and columbaria	III	III								
Convenience stores including gasoline sales and/or a car wash facility					II	II	I			
Crematorium	III	III								
Entertainment (e.g., theaters, video game arcades, etc., except adult motion picture theaters and other uses as described in Section 17.30.040 , Adult oriented				I ₇	I	II	I	I		

Table 17.15

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
business (AOB overlay zone)										
Farmer's market				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
Fitness center/sports club				II	II	II	I	I	II	
Formula take-out food restaurant with drive-through					I		I	I		
Formula take-out food restaurant without drive-through				I ₇	I		I	I		
Hotels, motels, inns*				I ₇	I		I	I		
Home occupation, major* (G, H)	II	II								
Home occupation, minor* (F, H)	I	I								
Kennels* (V)					II		II	II	II	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Minor vessel repair shop						I	I		I	I
Mixed commercial/residential		III		I _{4,7}	I ₄	I ₄	I ₄	I ₄		
Mortuaries, funeral homes and funeral chapels	III	III		II _{5,7}	II		II			
Personal services*				I _{5,7}	I	I	I	I		
Pet shop*				I	I	I	I	I		
Professional offices		III		I ₇	I	I	I	I	II ₈	I ₈
Restaurants				I ₇	I		I	I	II ₁₁	II ₁₁
Retail sales marijuana									I ₂₀	I ₂₀
Retail sales and services with drive-through businesses* (I)					I		I	I	II	
Retail sales and services				I _{7,12}	I	I ₇	I	I		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
without drive-through businesses										
Retail sales and services with screened outdoor storage				II _{5,7}	II		II	II	I	I
Roadside stands				I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇		
RV sales, storage and repair									I	I
Secondhand/consignment stores				I _{7,12}	I	I ₇	I	I		
Sexually oriented business* (E)										
Small engine repair						I	I		I	
Taverns				I ₇	I		I	I		
Uses which service the automobile (e.g., gasoline					II	I ₁₃	I	I	I	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
service station, car wash, minor/major vehicle repair shops)										
Veterinarian clinics* (V)						I ₇	II	II		
Caretaker residence (K)									I	I
Temporary uses (S)	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇	I ₁₇
Wholesale sales with limited retail sales							II	II	II	
TRANSPORTATION										
Park and ride lots*					II	II	I	II		
Park and ride lots, shared use*	II	II							II	I
Parking as principal use				II	I		I	I	II	I
Transit facilities				I ₁₄						
UTILITIES										

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Public and private utility buildings and structures (L)	II	II	II	II	II	II	II	II	II	II
Communication antennas, category 1 (N)	I	I	I	I	I	I	I	I	I	I
Communication antennas, category 2 (O)	II		II	I	I	I	I	I	I	I
Communication antennas, category 3 (P)			II		II		II	II	I	I
Communication towers and monopoles (Q)			II ₁₉		II ₁₉		II ₁₉	II ₁₉	II ₁₉	II ₁₉
WHOLESALE TRADE—STORAGE										
Self-service storage facilities; provided, that no outside storage is visible from adjoining properties						III			I	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
and public rights-of-way										
Warehousing (wholesale, bulk retail and trade)								III		

I = Type I Permitted Use

II = Type II Administrative Use

III = Type III Conditional Use

* = Defined Term

Letters and numbers refer to footnotes and regulatory notes within Sections [17.15.030](#) and [17.15.040](#).

Exhibit C

KMC 17.15.040(C)

C. Halfway houses, group homes, ~~and~~ transitional housing, emergency shelters, and urban rest stops are subject to the following standards:

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2. Access streets, parking and/or loading areas shall be sufficient to safely accommodate the number of estimated vehicle trips generated by the use.
3. No structured area for active play or play structures may be located in the front yard. In the event of double frontage or similar situations, the director or designee shall determine which yard would have the least visual impact to the neighborhood.
4. The site shall conform to the lot size, building size, setback and lot coverage requirements of the zoning district.
5. Provide an off-street drop-off/pick-up area.
6. Comply with all business licensing requirements.
7. No structural or decorative alteration is permitted in a residential zone if that alteration changes the residential character of an existing residential structure or is incompatible with surrounding residences.
8. An on-site vehicle turnaround, or separate entrance and exit points, and passenger loading area must be developed for review and approval by the city engineer.
9. The site must be landscaped in a manner compatible with adjacent residences in residential zones according to a plan approved by the community development department.
10. The following criteria shall govern the review and approval of a conditional use permit for transitional housing, emergency shelters and urban rest stops:

A. Site Plan. A detailed site plan shall be submitted with the application. The Examiner may increase the Development Standards of the Kelso Municipal Code as necessary to ensure compatibility of the use with surrounding uses. The examiner shall take into consideration the neighborhood character and any adopted neighborhood plans.

B. Facilities must comply with all applicable standards, including International Building Code (IBC) standards for the number of residents or clients served. Adequate kitchens, bathrooms, lighting, safety features, and site access for emergency vehicles are required.

C. Separation. –Facilities must be at least 1/2 mile from similar uses.

D. Drugs and Alcohol. Use of alcohol and controlled substances, except by prescription, is strictly prohibited at the premises;