



Kelso Planning Commission Agenda

Meeting at 6:00p.m.

Tuesday, June 10, 2014

203 South Pacific Ave., City Hall Council Chambers

Agenda	Approved/ Denied	Remarks
Call to Order: 1. Roll Call.		
Approve Minutes: 1. May 13, 2014 meeting minutes.		
Presentation:		
Public Hearing:		
Commission Business: 1. Public Official Training by Janean Parker, City Attorney. 2. Discussion. Preliminary Draft Comprehensive Plan Goals, Policies, and Objectives for future meeting.		
Action/Motion Items: 1. Recommendation to Council. An ordinance 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.		
Citizen Business:		
Adjournment: Next Regularly Scheduled Meeting July 8, 2014 at 6:00 p.m.		

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, May 13, 2014
6:00pm – 7:55pm

Commissioners Present: James Hill, Dan Jones, Toby Tabor, Rick VonRock, Jared Wade, James Webb.

Commissioners Absent: Clark Hislop.

Staff Present: Steve Taylor, City Manager; 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 VonRock made the motion, seconded by Commissioner Hill to approve the minutes of April 8, 2014. Motion carried, all in favor.

Commission Business:

1. Introduction of new Commissioner James Hill.
2. 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 and land uses.

Public Hearing Introduction. Ms. Parker. The public hearing is for the Planning Commission's consideration of language to recommend to the City Council on the idea of low barrier housing and shelters, and urban rest stop. There have been several meetings and have taken some public comment to date. At the last meeting the Commission directed staff to bring back prepared language. There is a staff recommendation that is different than the language the Commission wanted to see. There are similar ordinance amendments to the definition of the zoning code, amendments to the land use table, and language for conditions for the hearings examiner to consider when looking at a conditional use permit.

Option 1 Planning Commission Preferred. This would be to amend the definitions to prohibit the use of drug and alcohol in the existing definition of shelters. Add definition of urban rest stop. Would allow uses only in industrial zones of the city and would require a conditional use permit for those uses. Added language to definitions. Added specific criteria for conditional use permits. Discussion followed.

Option 2 Staff Recommended. In preparing the Planning Commission ordinance there were a few concerns, staff met and drafted recommendation. The language in definitional requirements would be hard to apply as a land use definition. It governs behavior after the fact and not a type of facility. The other issue was that restricting to the industrial zone it is more akin to a residential type use than an industrial type use. There may be issues with the comprehensive plan. In making it a condition in the conditional use permit that the hearing examiner would impose for not allowing drugs or controlled substances there could be tailored conditions for the hearing examiner that could be specific to a particular type of application. An emergency shelter is not allowed in any zone currently however, there is a definition. Perhaps the land use table did not get appropriately updated. Emergency housing is added and would be conditional use permit and allowed in the Commercial Town Center (CTC), Commercial West Kelso (CWK), and Commercial Specialty Retail (CSR) zones. 'Emergency Housing' should read 'Emergency Shelter' as defined. Urban rest stop, same permit and same zones. Transitional housing for more than 10 residents allowed in CTC, CWK, CSR, and Residential Multi-Family (RMF). Transitional housing less than 10 residents no change, currently allowed in RSF, RMF and CTC zones. Discussion followed.

Clarification. The currently operating Emergency Shelter will not be affected by the code unless they closed and tried to reopen or moved.

Ms. Parker. This public hearing is a legislative matter. The general rules speak for an allotted time, 3 minutes, can allow a longer time. It needs to be on the topic of the proposed ordinance. Planning Commission's decision will be a recommendation to the City Council, who will then take further action, final decision.

Public Hearing:

Commissioner VonRock called the Public Hearing open at 6:21pm.

Please state name and address for public record.

Nicole Mackey, 1106 S 3rd Ave., Kelso, WA. Why is the residential multi-family zone noted as an administrative permit not a conditional use? In any of the shelters you are not allowed to do drugs or alcohol or be intoxicated or under the influence. Are they going to be allowed to come in under the influence of being intoxicated and under the influence of illegal drugs? In the zoning, is it required for there to be qualified staff that could handle volatile situations? Discussion followed.

Ms. Parker response. Transitional housing is a Type II use under Residential Multi-Family. Type II use does involve public notice and some review. Decision is made by planning director. This is in Option 2, not in Option 1. Language includes not using drugs while in the facility because of enforcement issues. Discussion followed.

Ms. Mackey. Shelter is open and what if there is needles and paraphernalia? Would this be part of it? What happens if it goes in and there is problems? Crime increase? What happens then?

Ms Parker. If there is a violation the permit can be revoked. There is some enforcement on land use context. Would be related to conditions placed.

Adena Grigsby, 1109 S. 3rd Ave., Kelso, WA. Brought letters from neighbors opposed to low barrier shelter in town. Does not like Option 2 definitely. Does not like Option 1 either. Option 2 leaves drug use open in the facility. Does not see why it has to be allowed or wait for a conditional use permit to decide to allow drugs in our community. Other places have added in their code that everyone coming into shelter has to be screened at intake to insure they are not under the influence of drugs and alcohol. Provided Commission, City of Bonita Springs Ordinance No. 13.04. They have added good neighbor policies. What is the reason why we can't put that people have to be screened for drugs and alcohol at intake? Have the service providers have some responsibility. Does not like staff recommendation. Worried about sex offenders being allowed at these facilities.

Chuck Hendrickson, 121 Olive St., Kelso, WA. Likes Option 2. That would be his recommendation. All though it is not fully what he would like to see have happen due to the services he does provide. He does believe it is a compromise. Recommendation Commission would support Option 2.

Public Hearing Closed 6:38pm.

Options Discussion. Commissioner VonRock asked for a rough opinion of commission thoughts on options.

Commissioner Wade. Commissioner Option 2 is closer to what is 'apropos' to city. The city has areas approved for temporary housing, motels/hotels. Similar type services.

Commissioner Webb. Looking at industrial, commercial town center and residential. Why was the Commercial Neighborhood Service Center (CNH) zone not considered? This is near hospitals, doctor offices, where these services may be needed.

Mr. Taylor. For the CNH zone there are only a few of these zoned areas. Current existing uses. Discussion followed.

Commissioner Webb. Based on information, option 1 Planning Commission option.

Commissioner Hill. Difficult issue. Commission recommended proposal seems closer to his views, all though there are misgivings. Are there general liability insurance requirements as part of granting a permit?

Ms. Parker. As a general matter, the city does not require insurance as part of a land use permitting process. Discussion followed.

Commissioner Jones. Opposed to both options. The only way to be in favor if in the standards criteria for conditional use it prohibited people under the influence of drug or alcohol identified for the hearings examiner. Any transitional housing should be a conditional use.

Commissioner Tabor. Has lots of questions. There is more that needs to go into this. Leaning towards Planning Commission recommendation.

Commissioner VonRock. Leaning towards Planning Commission recommendation.

Ms. Parker. Staff is looking for recommendation to the City Council. It can be either option or modification. Moratorium is in effect until July 21st. The City Council would need opportunity for two full readings.

Mr. Taylor. Based on level of public comment leading up to moratorium, if staff doesn't get recommendation tonight, he asked there be another meeting scheduled to provide recommendation before next regularly scheduled meeting. He does not want to put the council in position of two readings and it gets knocked out of cycle by significant public comment, and then forced to extend moratorium.

Commissioner VonRock asked how many are in favor of Commission's recommendation? How many in favor of staff recommendation?

No consensus. Discussion followed.

Zoning. Commission VonRock - Which zoning is preferred out of both options? Consensus is staff recommended proposal as long as traditional housing goes to conditional use over 10. Over ten should not be in residential zone.

Ms. Parker. Clarification. Consensus for the commercial zones. Either not in RMF zone at all or if it is in RMF a conditional use permit. Discussion followed.

Commission consensus for transitional housing, keep separate for over and under 10.

Under 10, smaller facility. In staff recommendation it is allowed in RSF, RMF, CTC zones. Commission consensus agree.

Larger transitional housing facility. Where are they appropriate? Discussion followed. Commission consensus is to allow in residential multi-family zone with conditional use permit, commercial specialty retail zone, and both light and general industrial. Discussion followed.

Emergency Shelter. Discussion followed. Commission consensus not recommended for residential multi-family. Recommended for commercial west Kelso and light and general industrial.

Urban Rest stop. Discussion followed. Commission consensus recommended for industrial. No residential or commercial.

Conditional use permit language. At the end of the land use table there is a section that calls out other requirements for different types of uses. There are already requirements for group home type uses. Number 10 (A, B, C, D) was added to set forth the criteria the hearings examiner would look at in reviewing a conditional use permit. Discussion followed.

Number C. change language to "...from the same use." Discussion followed.

Added additional language. E. "Staffing and rules of procedure adequate for the type of facility and to address the secondary impacts of the facility." Discussion followed.

Ms. Parker. Commission consensus. It's a conditional use permit with these conditions as amended.

Definitions section. Consensus is Planning Commission preferred option for emergency shelter, transitional housing facility and urban rest stop definitions.

Mr. Taylor. The next scheduled meeting for the Planning Commission is June 10th, which gives the council their second meeting of June and two meetings in July. There is a one meeting cushion before the July 21st moratorium deadline.

There would be time to bring this back in final form to the Planning Commission for recommendation.

No citizen's business.

Staff has been directed to prepare an ordinance along the lines discussed tonight for the next meeting.

Other Business:

1. **Medical Marijuana.** Ms. Parker. In medical collective garden, there are not spacing requirements, signage and nuisance. There is nothing that would limit the land use. The question was, can't we leave it to the state and follow their rules? The legislature was supposed to act and they didn't. There is a disconnect between recreational and medical. The City of Kent took statute in place and banned medical marijuana outright and they were challenged. The court in making its decision, said yes Kent can ban it, has the authority to regulate, can't ban it because they have this authority, it can be banned because it is already illegal. There is a lot of questions about medical marijuana. Ms. Parker is recommending not taking any action until next term. A collective garden is currently not allowed under Kelso code. Discussion followed.
2. **Training.** Mr. Taylor asked how many Commissioners had training on open public meetings act, public records act, and appearance of fairness when you came onto Commission. WCIA does training Public Official liability training. There might be some refresher points and perhaps Janean can come in at a future meeting and go over main points to help the Commission and prevent adverse actions against the city by the decisions and actions you take.

Adjournment:

There being no further business, Commissioner VonRock made the motion, seconded by Commissioner Webb to adjourn at 7:55pm.

Rick VonRock, Planning Commission Chair

Respectfully submitted: Stephanie L. Helem, Recording Secretary

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 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 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	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
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							
Participant sports and recreation—indoor				III ₅	I	I/II ₇	I	I	II	
Participant sports and			III ₁₈		II		II	I		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
recreation—outdoor										
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
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		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
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	
Transitional housing* -- Facilities serving less than 10 clients	III	III		III ₅						
Transitional housing * -- Facilities serving 10 or more clients		III					III		III	III
Emergency Shelter*					III				III	III
Urban rest stop*									III	III

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
contractors' or builders' equipment and supplies										
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
Vehicle towing and storage services									II	II
Vocational schools									I	I
Winery/brewery									I	I
Wood products									I	I
RETAIL TRADE AND SERVICE										

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
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 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		

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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	
Minor vessel repair shop						I	I		I	I
Mixed		III		I _{4, 7}	I ₄	I ₄	I ₄	I ₄		

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
commercial/residential										
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 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

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
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 service station, car wash, minor/major vehicle repair shops)					II	I ₁₃	I	I	I	
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							II	II	II	

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
limited retail sales										
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										
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

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	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
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 additional 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. Compliance with Building Code. 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 the same uses.

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

E. Operations. Applicant must provide staffing and operating procedures adequate to the type of facility and adequate to address the secondary impacts of the facility.

ORDINANCE NO. _____

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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		

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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:

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 the same uses.

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

E. Operations. Applicant must provide staffing and operating procedures adequate to the type of facility and adequate to address the secondary impacts of the facility.