Kelso City Council Agenda

Regular Meeting, 7:00 pm
July 3, 2012
City Hall, Council Chambers
203 S. Pacific
Kelso, WA 98626

Special accommodations for the handicapped and hearing impaired are available by special arrangement through the City Clerk's Office at 360-423-0900

Invocation:

Mike Speegle, Journey Seventh-Day Adventist Church

Call to Order:

Roll Call to Council Members:

Approve Minutes:

- June 19, 2012-Regular Meeting

Consent Items:

Citizen Business:

Council Business:

Action/Motion Items:

1. Resolution
    a. Sewage Pre Treatment Permit Fees
2. Ordinance, 2nd Reading
    a. Lease Agreement for McDaniel Telephone Company
3. Ordinance, 2nd Reading
    a. Authorizing a 3% Increase in Salaries for Certain City Employees
4. Ordinance, 2nd Reading
    a. Adopting Corrections to Title 17 of the KMC

Other Items:

- City Manager Report
- Staff/Dept Head Reports
- Council Reports
- Other Business
- Executive Session

KELSO CITY COUNCIL **June 19, 2012**
7:00 P.M. **REGULAR MEETING**

Pastor Dave Grauer, Gloria Dei Lutheran Church, gave the invocation. Mayor David Futcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor Futcher. Councilmembers in attendance were: Futcher, Myers, Lefebvre, McDaniel, Schimmel, Archer, and Roberson.

Minutes: Upon motion by Councilmember McDaniel, seconded by Councilmember Schimmel, 'Approve the Minutes of the 6/5/12 Regular Meeting,' motion carried, all voting yes.

CONSENT AGENDA:

1. **Airport Lease Agreement:** a) Grover Laseke and John Wallace, Hangar #48-49
2. **Change Order – Lakeside Industries:** 2012 City Overlay
3. **Funding Approval:** a) LTAC Committee Recommendation, Iron Horse Festival
4. **Agreement/Consultant Contract - Kennedy/Jenks Consultants:**
   a) Mill Street Test Well
5. **Auditing of Accounts: $1,421,552.02**

Upon motion by Councilmember Roberson, seconded by Councilmember Myers, 'Approve the Consent Agenda and the Auditing of Accounts in the amount of $1,421,552.02,' motion carried, all voting yes.

CITIZEN BUSINESS:

Tony Botero, 1909 Bloyd Street, spoke requesting approval of a public right-of-way for a street closure between N. 19th Avenue and N. 20th Avenue on Bloyd Street. It is for a neighborhood 4th of July block party. He provided the application forms, map of closure, and signatures from the neighborhood. He presented his request to Council tonight due to it being a late submission. Discussion followed.

James Hill, 1100 N. 22nd Ave., spoke in favor of moving the 4th of July block party on Bloyd Street to a different location. As expressed at the last council meeting, his objections were the same, move the closure to N. 19th, N. 20th or N. 21st Avenues and leave Bloyd open for emergency responders. He felt it was unfair to the whole neighborhood to have to change their driving patterns. Lengthy discussion followed.

Upon motion by Councilmember Schimmel, seconded by Councilmember Lefebvre, 'Approve Right-of -Way Permit Application for the Bloyd Street Closure subject to staff conditions as appropriate.' Discussion followed. Councilmembers Myers, Roberson, McDaniel, Schimmel, Lefebvre and Futcher voted yes. Councilmember Archer voted no. Motion carried, 6 to 1.

MOTION ITEMS:

Resolution No. 12-1066 - Amend current Six-Year Transportation Improvement Program 2012-2017: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Lefebvre, 'Pass Resolution No. 12-1066, 'A RESOLUTION OF THE CITY OF KELSO, COWLITZ COUNTY, WASHINGTON, ADOPTING AN AMENDMENT TO THE SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR CONSTRUCTION OF STREET IMPROVEMENTS,' motion carried, all voting yes.

Ordinance (1st Reading) – Adopt corrections to Zoning Ordinance Title 17 of the Kelso Municipal Code: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Lefebvre, seconded by Councilmember Schimmel, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO ADOPTING CORRECTIONS TO THE ZONING ORDINANCE TITLE 17 OF THE KELSO MUNICIPAL CODE.' Councilmember Schimmel asked if we should expect more revisions. Community Development Manager Nancy Malone responded that these changes will happen immediately. There maybe other language in regards to the sign code that needs to be corrected in order to match what has already been codified. Councilmember Myers asked if this addresses the zoning concerns of Mr. Cowan from the last meeting. Ms. Malone responded that it does. Motion carried, all voting yes.

Ordinance No. 12-3767 - Interfund loan from the Water/Sewer Fund to the Arterial Street Fund: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Lefebvre, 'Adopt Ordinance No. 12-3767, 'AN ORDINANCE OF THE CITY OF KELSO AUTHORIZING THE TRANSFER OF FUNDS FROM THE WATER/SEWER FUND TO THE ARTERIAL STREET FUND AND PROVIDING FOR THE REPAYMENT OF SUCH LOAN.' Councilmember Archer asked if this is a temporary loan and what will happen if it is not enough. Finance Director Brian Butterfield commented that after consulting with Public Works Director David Sypher and Public Works Senior Engineer Mike Kardas it is assumed that 1.5 million is enough. The loan is for the right-of-way acquisitions. Motion carried, all voting yes.

Ordinance No. 12-3768 - Sewage Pre-Treatment Policy: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Roberson, seconded by Councilmember Myers, 'Adopt Ordinance No. 12-3768, 'AN ORDINANCE OF THE CITY OF KELSO, ADOPTING THE THREE RIVERS REGIONAL WASTEWATER AUTHORITY DISCHARGE AND INDUSTRIAL PRETREATMENT POLICY AND AMENDING ORDINANCE 3678 AND CHAPTER 13.08 OF THE KELSO MUNICIPAL CODE BY THE ADDITION OF NEW SECTIONS TO SAID CHAPTER TO BE DESIGNATED AS SECTIONS 13.08.155 AND 13.08.315 AND SHALL REPEAL SECTIONS 13.08.150, 13.08.310, 13.08.320, 13.08.330 AND 13.08.340.

Councilmember Schimmel asked if commercial and industrial users were aware of these fees. Mr. Sypher responded there will be public hearings and a public education process. The number of individuals required to discharge to the pretreatment plant are limited. It applies to only high strength waste or grease as outlined. Councilmember Myers stated this is in an effort to maintain the same specifications for all four entities. Councilmember Archer asked if this would effect new developments like a Costco type of business at exit 36. Mr. Sypher commented that it would have no effect on that type of discharge. Motion carried, all voting yes.

Robert Goldsmith, 125 W. Vista Dr., spoke against using leaf blowers within the city limits. There are landscapers who work up on Apple Lane and W. Vista Avenue twice a month. They blow leaves across the road and into a vacant lot. There are also all sorts of animal droppings being blown across the road. All this stuff dries out and blows up into the dust which we breathe. He suggested they convert them into vacuums. Discussion followed. Mr. Sypher will follow up with Mr. Goldsmith.

WALK-ON ITEMS:

Ordinance (1st Reading) – Amend McDaniel Telephone Lease at Tam O'Shanter Park: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Myers, seconded by Councilmember Roberson, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO APPROVING THE FIRST AMENDMENT TO GROUND LEASE TO MCDANIEL CELLULAR TELEPHONE COMPANY,' motion carried, all voting yes.

Ordinance (1st Reading) – Authorize a 3% increase in salaries for certain employees of the City: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Lefebvre, seconded by Councilmember McDaniel, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO AUTHORIZING A THREE PERCENT INCREASE IN SALARIES FOR ALL NON-REPRESENTED EMPLOYEES OF THE CITY NOTWITHSTANDING THE APPROPRIATIONS IN THE FINAL BUDGET FOR 2012.' Councilmember Schimmel stated that he supports equity but wanted to know what this would cost. Mr. Butterfield stated that originally it was estimated at $141,000 which was the amount calculated from January 1st through December 31st. This covered all represented and non-represented employees. In doing research on the raises for the non-represented employees, we found they were not eligible for a retroactive increase. At this time we do not have the figure for the total cost of the increase for the non-represented employees. Motion carried, all voting yes.

Rick Von Rock, 400 N 7th, spoke from the audience, inquiring if the 3% pay increase would include all department heads. He also asked if there was a division on the dollar amount on the department heads. Mr. Butterfield responded it does include all department heads. The breakdown on the figures is not available as yet. Discussion followed.

MANAGER'S REPORT:

Andrew Hamilton: 1) I attended the Cowlitz Economic Development Council membership luncheon at the Expo. The topic was the State of the County Address which covered what was happening in the community. 2) I spoke to the city realtor. He said there are a couple of people looking at the old library. 3) I attended the KDRA Spring Fling Event. There was a large attendance at the Spring Fling. 4) I would like to remind everyone that National Night Out will be held the first Tuesday in August. 5) I have been busy with a number of issues, fielded questions and nuisance abatement issues. 6) Ms. Malone was able to assist Mr. Cowan with zoning issues.

STAFF REPORTS:

Janean Parker: No report.

David Sypher: 1) We will be starting our Overlay Program next week. Grade Street will be closed Thursday and Friday night to best accommodate the public. 2) Tonight I wanted to thank you for passing a few of the items that are critical to the community. The first being a test well, which will facilitate future water supplies for the city. 3) The Airport Board, Operations Board and the Advisory Committee have been working very hard. It is going very smooth. I wanted to congratulate them on their collaborative efforts. 4) Also passed tonight was an amendment to the Six Year Transportation Improvement Program. This recommends an additional $1,000,000 to be allocated to Kelso from the Urban Surface Transportation Program. This was due to hard work on the part of our staff and I would like to commend them, specifically Mike Kardas for that great effort. Due to staff efforts, the funding gap is real close to being filled if not already filled. 5) We have five studies that have just been completed and we are working very hard to get those reviewed.

Nancy Malone: I would just like to announce that one of our Planning Commissioners, Larry Peterson, has turned in his resignation effective August 1st. Mr. Peterson has been involved in city government here in Kelso for over 20 years. He is very knowledgeable. I truly am going to miss him as a planning commissioner member. So hopefully the word is out on the street that we need a planning commissioner.

Cindy Donaldson: 1) I have been busy all week passing out over 3,000 flyers at the elementary schools to students. 2) We had our first story time today. There were 62 kids that walked up from Wallace Elementary that attended. They raved how easy it was to fit into our facility. 3) Sign-ups began Monday for our Summer Reading Program. 4) Next Tuesday, Raeann Phillips, is coming to our teen kickoff so if you enjoy her music you are welcome to attend at 6:00 p.m. 5) Next Wednesday, Nancy Stewart, a children's entertainer, is coming to entertain our kids. 6) We are looking forward to a great summer. Volunteers are welcome.

Chief Andrew Hamilton: 1) I want to remind everyone of our Kelso Municipal Code 820.160, which is on the web site, which states that: fireworks cannot be sold and discharged prior to noon on June 28th or after noon on July 6th. The code also breaks down the time period when they cannot be discharged at night. 2) Things are busy with officer's vacations coming up and also with schools being out. One officer is back from military leave and one officer is out on sick leave. 3) We are in the middle of 'Active Shooter Training' which is collaboration between Kelso School District and the Kelso Police Department. The Safe Schools Grant is how this program is funded.

Brian Butterfield: 1) We started week four of our annual audit. It's been kind of busy. We've had two, sometimes three auditors at a time asking questions about different things. They are pretty well spread out in the executive session room so hopefully you can work around it when you are in there tonight. 2) In front of you are the monthly reports. If you have any questions I will be happy to answer them.

COUNCIL REPORTS:

Dan Meyers: No report.

Rick Roberson: No report.

Gary Archer: Yesterday Commissioner Misner and I met face to face. He is really serious about helping the veterans of this county. He is asking for volunteers. Anyone that is interested, please contact him. You can also provide me with your name and number and I will forward it to him. He is working with a good bunch of people and I believe most of the veterans of the county are behind him. I feel we really need to give him our support.

Todd McDaniel: 1) The Lodging Tax Committee met on Wednesday and we approved the 'Iron Horse Festival'. 2) We are also trying to keep the original site for the visitors center at the Kelso location. If the Chamber of Commerce was to move to this location, an office building would be needed. Currently research and a feasibility study are moving towards staying with this location, but we will be talking about it for the next year or so.

Gary Schimmel: I want to commend the Finance Department under Mr. Butterfield's leadership he is keeping us on solid ground financially. They keep things moving smoothly through the mounds of paperwork. I also want to commend the ladies up front for their exemplary customer service and patience. They show respect and professionalism to the customers. I think it is a great department. In the face of staff reductions they have stepped up to the challenge and have done a great job on keeping everything running smooth. Thank you.

Kim Lefebvre: No report.

David Futcher: We spent a lot of time last week on the Airport Board talking with a gentleman who had been the airport manager over in Pullman. He provided good information on the operation of multi-jurisdiction airports and reviewed our plans for the airport. The recommendation coming out is that we hire an Airport Manager type position. This would be a facilities position that would take care of the maintenance and operational side. The other position included in the master plan was what we have been calling a Project Manager. At our meeting this week, we decided we would probably redefine that to Airport Manager. This would be the overall manager responsible for coordinating getting grants, dealing with the FAA, completing projects, and the general running of the airport and decision making. In working towards these goals, the interim budget of $40,000 was prior to getting these positions up and running. Speaking from my own perception, I think the Airport Board will probably ask each jurisdiction to increase the airport budget to $60,000. As we approach 2013 budget time, I wanted to mention that as a starting point.

EXECUTIVE SESSION:

The Council convened into Executive Session at 7:55 p.m. to discuss property acquisition. The Executive Session is expected to last approximately 10 minutes. The city attorney was present. The Council reconvened back into Regular Session at 8:06 p.m.

Upon motion by Councilmember Schimmel, seconded by Councilmember Lefebvre, 'Authorize acquisition of properties insuring that the cost does not exceed the total budget of 3.5 million dollars for the West Main Realignment.' Motion carried, all voting yes.

The Council convened in to Executive Session at 8:07 p.m. to discuss an employment contract. The Executive Session is expected to last approximately 10 minutes. The city attorney was present. The Council reconvened back into Regular Session at 8:20 p.m.

Upon motion by Councilmember McDaniel, seconded by Councilmember Lefebvre, 'Authorize approval of the employment contract between the City of Kelso and Stephen Taylor with the second option of moving expenses,' motion carried, all voting yes.

There being no further business, Mayor Futcher adjourned the meeting at 8:21 p.m.

_____ _____

MAYOR CITY CLERK

AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

SUBJECT TITLE:
Sewage Pre-Treatment Permit Fees

Agenda Item:

Dept. of Origin: Public Works

For Agenda of: July 3, 2012

Cost of Item:

PRESENTED BY:
David M. Sypher, P.E.
Public Works Director

Interim City Manager: Andrew Hamilton

AGENDA ITEM ATTACHMENTS:
Sewage Pretreatment Fees Resolution

SUMMARY STATEMENT:
The Sewer Pretreatment Ordinance 12-3768 was adopted at the June 19th, 2012 Council Meeting.

The sewer pretreatment ordinance requires that all commercial and industrial dischargers be evaluated to determine if the constituents in their discharge must be regulated to meet the established local discharge limits, or to prevent harm to the collection system or treatment plant. Permits will then be required for dischargers who must be regulated. Permits would be issued for a 5-year period and may contain requirements for periodic inspections and/or sampling. The TRRWA policy envisions implementation of the policy and jurisdiction ordinances would be accomplished jointly by TRRWA and member entity staff. To ensure other sewer customers are not subsidizing the cost of the pretreatment program, annual permit fees ranging from $225 to $490 dollars are proposed.

FINANCIAL SUMMARY:
The costs to implement this program to the public are as listed in the attached fee resolution. The costs are intended to simply represent a cost neutral pass through to the city.

RECOMMENDED ACTION:
Staff recommends adoption of the Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF KELSO, COWLITZ COUNTY, WASHINGTON, ESTABLISHING FEES FOR PRETREATMENT PERMITS, PER ORDINANCE 12-3768, TO BE CHARGED AND COLLECTED BY THE CITY AND REMITTED TO THE THREE RIVERS REGIONAL WASTEWATER AUTHORITY.

WHEREAS, the Three Rivers Regional Wastewater has adopted the THREE RIVRES REGIONAL WASTERWATER AUTHORITY DISCHARGE AND INDUSTRIAL PRETREATMENT POLICY (policy), and each member entity has adopted said policy within its respective jurisdiction; and

WHEREAS, said policy provides for the issuance of Wastewater Discharge permits to users of the sanitary sewer system who are classified and SIU, PSUI or PSCU users; and

WHEREAS, the purpose of this Resolution of the City of Kelso is to establish fees to be charged for the issuance of such Wastewater Discharges permits, to be charged and collected by the City of Kelso and remitted to the TRRWA; and

WHEREAS, such permits are to be issued on a five-year cycle, jointly by the TRRWA and the City of Kelso, and valid for a period of five years;

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

PERMIT FEES 2012 BASE YEAR

PERMIT CATEGORY	FEE
Commercial User	$225
Industrial User	$225

Potentially Significant Commercial User	$340
Potentially Significant Industrial User	$340
Significant Commercial User	$450
Significant Industrial User	$450

Permit fees shall be adjusted each calendar year for inflation by the cost of living (COLA) increases for employee salaries as granted by the TRRWA Board. Discharge Permit Fees shall be collected by the City of Kelso, City of Longview, Beacon Hill Water & Sewer District, or Cowlitz County, and remitted to the TRRWA Fund prior to the end of the calendar month following collection.

ADOPTED by the City Council and **SIGNED** by the Mayor this 2 day of July, 2012.

_____
MAYOR

ATTEST/AUTHENTICATION:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

AGENDA SUMMARY SHEET

Business of the City Council
City of Kelso, Washington

SUBJECT TITLE:
Second reading to pass an Ordinance approving the First Amendment to the Lease Agreement for Lease of property at Tam O'Shanter Park to McDaniel Cellular Telephone Compay

Agenda Item:

Dept. of Origin: Public Works

For Agenda of: July 3, 2012

Cost of Item:

Interim City Manager: Andrew Hamilton

PRESENTED BY:
David M. Sypher, P.E.
Public Works Director

AGENDA ITEM ATTACHMENTS:
Proposed ordinance and lease amendment

SUMMARY STATEMENT:
This ordinance approves an amendment to the original lease agreement of property at Tam O'Shanter Park to McDaniel Cellular Telephone Company for the use and operation of a cell tower. The amendment changes the described area of the leased area, which change was negotiated during the Lease Option period.

Under the City Code, any conveyance any interest in property from the City must be by ordinance. Therefore, the attached ordinance authorizes the amendment.

FINANCIAL SUMMARY:

RECOMMENDED ACTION:
Pass the ordinance on the second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO APPROVING THE FIRST AMENDMENT TO GROUND LEASE TO MCDANIEL CELLULAR TELEPHONE COMPANY.

WHEREAS, the City has negotiated and entered into a lease with McDaniel Cellular Telephone Company for the lease space at Tam O'Shanter Park for the placement of a cell tower and associated telecommunications facilities; and

WHEREAS, during the Lease Option period, it was determined that changes were needed to the described area of the lease for adequate space for the described facilities.

WHEREAS, KMC 2.80.020 requires that all conveyances of property from the City, including leases of property, be approved by ordinance;

NOW, THEREFORE,

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

SECTION 1. The City hereby agrees to the First Amendment to the Ground Lease Agreement amending the described leased area under the lease at Tam O'Shanter Park in Kelso, Washington to McDaniel Cellular Telephone Company, as set forth in Exhibit A and incorporated fully by this reference.

SECTION 2. The City Manager is authorized to execute this First Amendment to the Ground Lease Agreement, substantially in the form attached and to execute such other documents and to take such other action as may be necessary to effect the Lease Agreement and the Amendment.

SECTION 3. 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 4. 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 _____ _____, 2012.

_____

ATTEST/AUTHENTICATION: MAYOR

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

PUBLISHED:_____

FIRST AMENDMENT TO GROUND LEASE

This First Amendment ("Amendment"), made this _____ day of _____, 2012, modifies that certain Ground Lease ("Lease") dated January 05, 2012, between the City of Kelso, having an address at P.O. Box 819, Kelso, Washington 98626 ("Landlord"), and McDaniel Cellular Telephone Company, a Delaware corporation, Attention: Real Estate, 8410 West Bryn Mawr Avenue, Suite 700, Chicago, Illinois, 60631 ("Tenant").

WHEREAS, pursuant to the Lease, Landlord has leased to Tenant certain premises located at 1606 Tam OShanter Park located in the City of Kelso, County of Cowlitz, State of Washington, (the "Premises") for use as a telecommunications site; and

WHEREAS, The Lease contains incorrect Exhibits and both parties are desirous of Tenant of attaching the correct Exhibits to the Lease.

NOW, THEREFORE, in consideration of the terms of the Lease and this First Amendment, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant agree as follows:

I. Lease Section 1a, Option to Lease, is hereby deleted and replaced with the following:

1. Option to Lease.

a. Landlord hereby grants to Tenant an option (the "Option") to lease from Landlord the following described parcel (the "Leasehold Parcel"):

Approximate dimensions: 20'x 40'

Approximate square footage: 800 square feet

Legal descriptions of the Landlord's Parcel and the Tenant's Premises are attached hereto as Exhibit A and a Site Plan of the Leasehold Parcel is attached to the lease as Exhibit B.

II. Lease Section 2, Option to Lease, is hereby deleted and replaced with the following:

2. Grant of Easements. Landlord hereby grants to Tenant an access easement twenty (20) feet in width from the Leasehold Parcel over areas not currently served by the Landlord's parking lot, which the Tenant shall have a non-defined access easement over, to the nearest accessible public right-of-way (the "Access Easement") and two (2) utility easements each ten (10) feet in width to the nearest suitable utility company-approved service connection points (collectively, the "Utility Easement"); the Access Easement and the Utility Easement are collectively referred to herein as the "Easements"; the

lands underlying the Access Easement and the Utility Easement are collectively referred to herein as the "Easement Parcels," which Easement Parcels are further described in Exhibits "A" & "B" attached hereto and incorporated herein). The Easements granted herein shall include, but not be limited to,

a. The right to clear vegetation, cut timber, and move earthen materials upon the Easement Parcels,

b. The right to improve an access road within the Access Easement Parcel,

c. The right to place utility lines and related infrastructure within the Utility Easement Parcel,

d. The right to enter and temporarily rest upon Landlord's adjacent lands for the purposes of

   (i) Installing, repairing, replacing and removing the Improvements (as defined below) and any other personal property of Tenant from the Leasehold Parcel and

   (ii) Improving the Easement Parcels, including the right to bring in and use all necessary tools and machinery, and

The right of pedestrian and vehicular ingress and egress to and from the Leasehold Parcel at any time over and upon the Access Easement Parcel. The Leasehold Parcel and the Easement Parcels are collectively referred to herein as the "Premises." Landlord agrees to make such additional direct grants of easement as Tenant may request in order to further the purposes for which Tenant has been granted the easements set forth in this Section 2.

III. Lease Exhibit A is hereby deleted and replaced with the following attached Amendment Exhibit A, which reflects the revised legal description of the relocated site.

IV. Lease Exhibit B is hereby deleted and replaced with the following attached Amendment Exhibit B, which shows the location of the relocated 20' x 40' site.

V. Except as amended herein, all other terms of the Ground Lease remain unchanged and in full force and effect.

[END OF AMENDMENT - SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Landlord and Tenant have executed this First Amendment as of the last signature date below.

LANDLORD: City of Kelso	TENANT: McDaniel Cellular Telephone Company
By: _____	By: _____
Printed: _____	Printed: _____
Title: _____	Title: Vice President
Date: _____	Date: _____

STATE OF WASHINGTON)
)
COUNTY OF COWLITZ)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that _____, known to me to be the same person whose name is subscribed to the foregoing First Amendment to Ground Lease, appeared before me this day in person and acknowledged that he signed the said Lease as his free and voluntary act for the uses and purposes therein stated.

Given under my hand and seal this ____ day of _____, 20__.

_____
Notary Public

My commission expires_____

STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that _____, Vice President for McDaniel Cellular Telephone Company, a Delaware corporation, known to me to be the same person whose name is subscribed to the foregoing First Amendment to Ground Lease, appeared before me this day in person and acknowledged that, pursuant to his authority, he signed the said Lease as his free and voluntary act on behalf of the named Tenant, for the uses and purposes therein stated.

Given under my hand and seal this ____ day of _____, 20__.

_____
Notary Public

My commission expires_____

EXHIBIT A

Legal Descriptions

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 8 NORTH, RANGE 2 WEST, W. M., COWLITZ COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH 46°56'53" WEST, ON A RANDOM COURSE, BASED ON A GEODETIC BEARING SYSTEM, FOR 226.47 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 06°38'58" WEST 20.00 FEET; THENCE NORTH 83°21'02" WEST 40.00 FEET; THENCE NORTH 06°38'56" EAST 20.00 FEET; THENCE SOUTH 83°21'02" EAST 40.00 FEET TO THE SAID POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ACCESS, THAT EXTENDS FROM THE EASTERLY LINE OF THE ABOVE DESCRIBED SITE, ACROSS A FIELD AND THROUGH AN EXISTING PARKING LOT TO A PUBLIC ROAD KNOW AS TAM O'SHANTER WAY, SAID EASEMENT IS 20 FEET IN WIDTH AND LIES IN SECTIONS 35 AND 36, TOWNSHIP 8 NORTH, RANGE 2 WEST, W. M., SAID EASEMENT FOLLOWS NORMAL TRAFFIC ROUTES THROUGH THE EXISTING IMPROVED PARKING LOT AND ACCESS AND AS MAY BE MODIFIED BY THE CITY, AND IS MORE OR LESS CENTERED ON A LINE DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF ABOVE DESCRIBED SITE THENCE SOUTH 06°38'58" WEST 10.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTERLINE; THENCE SOUTH 83°21'02" EAST 19.32 FEET; THENCE NORTH 16°44'15" EAST 60.47 FEET; THENCE SOUTH 89°04'54" EAST 219.06 FEET; THENCE SOUTH 00°55'06" WEST 68.45 FEET; THENCE SOUTH 14°57'31" WEST 220.86 FEET; THENCE SOUTH 22°26'24" WEST 31.19 FEET; THENCE WESTERLY ALONG NORMAL TRAFFIC ROUTES 1730 FEET MORE OR LESS TO THE SAID PUBLIC WAY.

ALSO TOGETHER WITH AN EASEMENT FOR UTILITIES, 10 FEET IN WIDTH, EXTENDING FROM THE WESTERLY LINE OF THE ABOVE DESCRIBED SITE, WESTERLY AND SOUTHERLY TO AN EXISTING POWER TRANSFORMER AND CENTERED ON A LINE DESCRIBED AS BEGINNING AT A POINT ON THE WESTERLY LINE OF THE ABOVE DESCRIBED SITE THAT IS SOUTH 06°38'56" WEST 14.92 FEET FROM THE NORTHWEST CORNER OF SAID SITE SAID POINT IS ON A CURVE TO THE LEFT THE RADIUS POINT OF WHICH BEARS SOUTH 30°35'10" WEST 211.52 FEET; THENCE WESTERLY ALONG SAID CURVE 293.88 FEET ; THENCE SOUTH 28°48'34" EAST 72.27 FEET; THENCE SOUTH 22°33'38" EAST 84.90 FEET; THENCE SOUTH 42°37'51" EAST 128 FEET

EXHIBIT A (continued)

MORE OR LESS TO AN EXISTING POWER TRANSFORMER AND THE END OF SAID CENTERLINE.

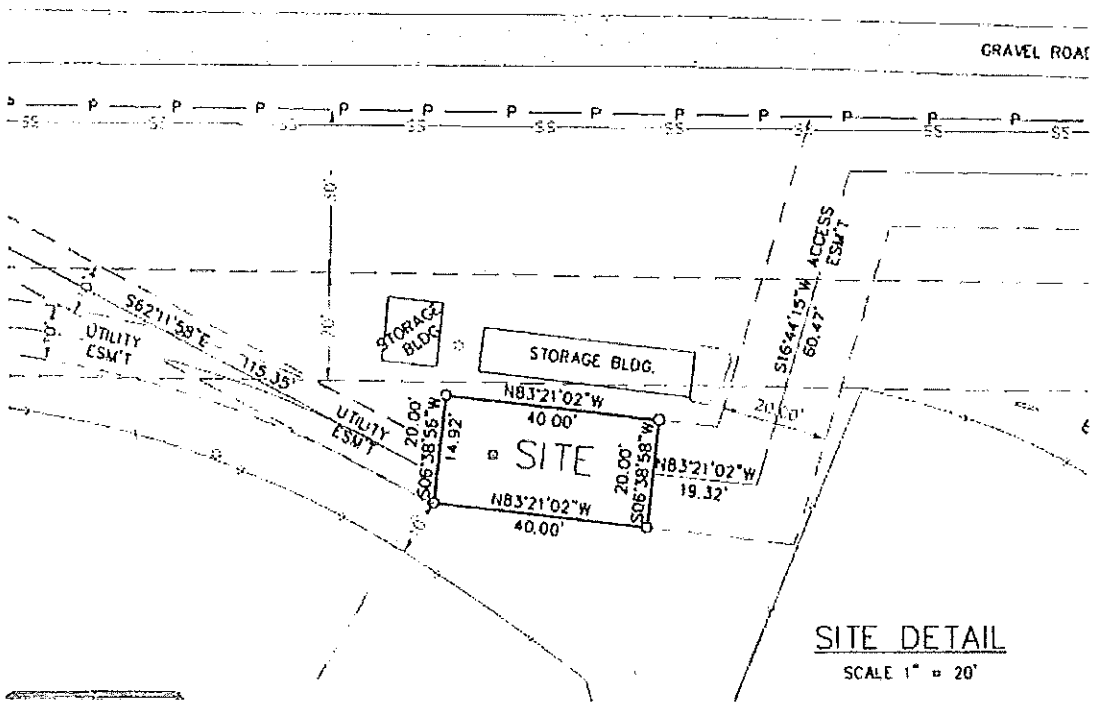
ALSO TOGETHER WITH AN EASEMENT FOR UTILITIES, 10 FEET IN WIDTH AND CENTERED ON A LINE DESCRIBED AS BEGINNING AT A POINT ON THE WESTERLY LINE OF THE ABOVE DESCRIBED SITE THAT IS SOUTH 06°38'56" WEST 14.92 FEET FROM THE NORTHWEST CORNER OF SAID SITE; THENCE NORTH 62°11'58" WEST 115.35 FEET; THENCE NORTH 89°04'54" WEST 900.97 FEET; THENCE SOUTH 59°02'27" WEST 78.22 FEET; THENCE SOUTH 31°42'50" WEST 292.46 FEET; THENCE SOUTH 86°36'34" WEST 192.71 FEET; THENCE NORTH 70°40'47" WEST 292.51 FEET; THENCE NORTH 89°33'25" WEST 373.17 FEET; THENCE NORTH 00°07'21" WEST 8.96 FEET MORE OR LESS TO THE NORTH LINE OF TAX PARCEL 24023 CITY PARK PROPERTY AND THE END OF SAID CENTERLINE.

ALSO TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS, OF RECORD AND IN VIEW.

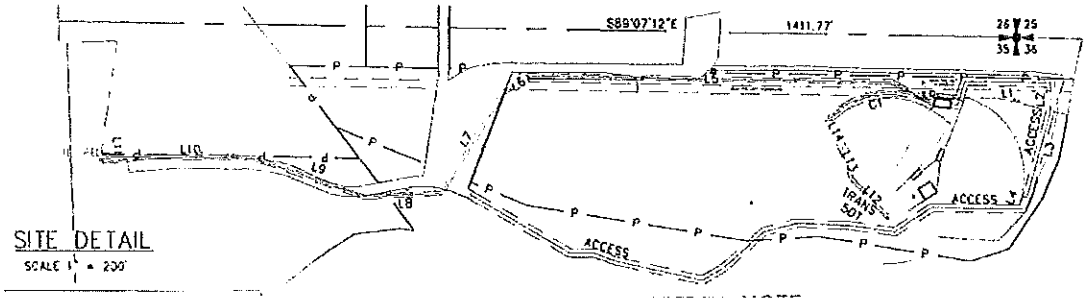
EXHIBIT B

Site Plan

N.E.1/4 OF THE N.E.1/4, SEC. 35, T.8 N., R.2 W., W.M.
N.W.1/4 OF THE N.W.1/4, SEC. 36, T.8 N., R.2 W., W.M.
COWLITZ COUNTY, WASHINGTON



N.E.1/4 OF SEC. 35 AND THE N.W.1/4, OF SEC. 36, T.8 N., R.2 W., W.M.
COWLITZ COUNTY, WASHINGTON



AGENDA SUMMARY SHEET

AGENDA ITEM: An ordinance authorizing a 3% increase in salaries for certain employees of the City.

2nd reading.

SUBMITTED BY: Brian Butterfield

AGENDA ITEM #

FOR AGENDA OF: 7/3/2012

ORIGINATING DEPT: Finance

DATE SUBMITTED: 6/27/2012

COST OF ITEM: N/A

AMT. BUDGETED N/A

CITY ATTY. APPROVAL

CITY MGR. APPROVAL

AGENDA ITEM PAPERWORK:

SUMMARY STATEMENT/DEPT. RECOMMENDATION:
The City Council recently authorized the ratification of the Police Association labor agreement for fiscal year 2012. Said agreement specifies an increase in salaries of 3% for all uniformed officers represented by the Association. The City also has employees that are represented by two other unions who have previously come to terms on their labor agreements. Both of those agreements stipulate that their employees will receive any increases received by any other represented or non-represented groups for the duration of their contracts.

This ordinance authorizes an increase in salaries of 3% for the remainder of employees that would not otherwise receive an increase.

Staff recommends adopting the ordinance on second reading.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO AUTHORIZING A THREE PERCENT INCREASE IN SALARIES FOR ALL NON-REPRESENTED EMPLOYEES OF THE CITY NOTWITHSTANDING THE APPROPRIATIONS IN THE FINAL BUDGET FOR 2012

WHEREAS, the City recently ratified a labor agreement with the Kelso Police Benefit Association which authorized a three percent cost of living adjustment (COLA) for all employees represented by the Association retroactive to January 1, 2012; and

WHEREAS, the labor agreements with the other two associations that represent City employees have clauses that entitle the other represented employees of the city to receive a corresponding COLA if other represented employees receive the same; as such they are also entitled to a three percent COLA retroactive to January 1, 2012; and

WHEREAS, the City Council values all of its employees and wishes to have parity with regard to COLA's for its unrepresented and other employees;

NOW, THEREFORE,

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

SECTION 1 That notwithstanding the final budget for the year, 2012, as adopted in ordinance No. 10-3740, the salaries and wages payable to non-represented employees of the City is hereby set at a figure which will reflect an increase of three percent over the salary or wage of each employee.

SECTION 2 The City Manager is hereby authorized to execute memorandums of understanding or such other documents as may be necessary to effectuate a three percent COLA with the other represented employees.

SECTION 3 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 3rd day of July, 2012.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:

AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

SUBJECT TITLE:

2nd Reading, Ordinance adopting corrections to the Zoning Ordinance, Title 17 of the Kelso Municipal Code:

- Chapter 17.15 Permitted, Administrative and Conditional Uses
- Chapter 17.62 Signs

Agenda Item: _____

Dept. of Origin: Community Development

For Agenda of: July 3, 2012

Cost of Item: N/A

Interim City Manager: Andrew Hamilton

PRESENTED BY:
Nancy Malone
Community Development Manager

AGENDA ITEM ATTACHMENTS:
Proposed Ordinance
Chapter 17.15 Permitted, Administrative and Conditional Uses (strikeout)
Chapter 17.62 Signs (strikeout)

SUMMARY STATEMENT:

A review of Zoning Ordinance, Title 17 of the Kelso Municipal Code determined that there currently are numerous errors and omissions in Chapter 17.15 Permitted, Administrative and Conditional Uses and Chapter 17.62 Signs that were inadvertently omitted during prior codifications.

These corrections were reviewed and recommended for approval by the Kelso Planning Commission on June 12, 2012.

RECOMMENDED ACTION:

Staff recommends council make a motion adopting the proposed ordinance on 2nd reading amending Chapter 17.62 Signs and Chapter 17.15 Permitted, Administrative and Conditional Uses of the Kelso Municipal Code.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO AMENDING THE ZONING ORDINANCE, TITLE 17 TO ELIMINATE ERRORS AND OMISSIONS IN CHAPTER 17.15 PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES AND CHAPTER 17.62 SIGNS OF THE KELSO MUNICIPAL CODE, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, an assessment of Zoning Ordinance, Title 17 of the Kelso Municipal Code, determined that there currently exists numerous errors and omissions in Chapter 17.15 Permitted, Administrative and Conditional Uses and Chapter 17.62 Signs; and

WHEREAS, the assessment further determined these errors and omissions were inadvertently omitted during prior codifications; and

WHEREAS, it is proposed that Title 17 of the Kelso Municipal Code be amended by replacing Chapter 17.15 Permitted, Administrative and Conditional Uses as shown in the attached "Exhibit A", to provide a more uniform code; and

WHEREAS, it is proposed that Title 17 of the Kelso Municipal Code be amended by replacing Chapter 17.62 Signs as shown in the attached "Exhibit B", to provide a more uniform code; and

WHEREAS, the corrections were reviewed by the Kelso Planning Commission on June 12, 2012; and

WHEREAS, the Kelso Planning Commission made a recommendation for approval of the proposed corrections; now therefore

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

SECTION 1: That the City of Kelso hereby amends Chapter 17.15 Permitted, Administrative and Condition Uses and Chapter 17.62 Signs of Title 17 of the Kelso Municipal Code.

SECTION 2: This Ordinance shall be in full force and effect five (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 _____ _____, 2012.

_____
Mayor

ATTEST/AUTHENTICATION:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

PUBLISHED: _____

EXHIBIT A

Chapter 17.15
PERMITTED, ADMINISTRATIVE AND CONDITIONAL USES

Sections:

17.15.010 Designations.
17.15.015 Similar uses.
17.15.020 Land use table.
17.15.030 Footnotes.
17.15.040 Regulatory notes.

17.15.010 Designations.

A. Type I uses listed in Table 17.15 are permitted subject to review by the administrative official for compliance with Section 17.10.035 and the applicable standards of this title.

B. The Type II and Type III uses listed in Table 17.15, and all matters directly related thereto, possess characteristics that warrant review consistent with Title 18B and Section 17.10.040 to ensure:

1. Consistency with the city comprehensive plan goals, objectives, policies and development criteria;

2. The intent, character and development standards are appropriate to the zoning district within which it is to be located;

3. Compatibility with other uses; and

4. Other relevant requirements of state or county law.

C. If no symbol appears in the box at the intersection of the column and row, the land use is not allowed in that district.

D. Use classifications are listed on the vertical axis and city of Kelso zoning districts are shown on the horizontal axis.

E. If a number appears next to the review classification symbol at the intersection of the column and row, then that use is subject to special standards listed as footnotes in Section 17.15.030.

F. If a letter appears adjacent to the use classification, then that land use is subject to performance standards listed in Section 17.15.040. These standards are in addition to other applicable standards of the Kelso Municipal Code.

G. If a proposed use is to be situated on property within the jurisdictional boundaries of the Kelso critical areas ordinance/shoreline master program, it shall be subject to the permits and procedural requirements thereof in addition to all applicable standards of this title. If a conflict exists between the standards of the Kelso critical areas ordinance/shoreline master program and this title, the more restrictive provisions shall apply. (Ord. 3745 § 1 (Att. B), 2011; Ord. 3699 § 1 (Att. B), 2009)

17.15.015 Similar uses.

A. When a proposed use is not classified within any of the categories of Table 17.15, but appears to be similar in character and consistent with the purpose of the zoning district, the matter may be referred to the administrative official to determine whether or not the unclassified use is similar to a use currently listed as a Type I, II or III use for the zoning district.

B. Similar use requests may be initiated by written application and accompanying fee, or directly by the administrative official. Each request shall set forth the specific basis for the request and its compliance with subsection D of this section.

C. The administrative official may consult with any interested, affected or concerned agencies or persons before making a similar use determination.

D. The administrative official shall not approve a similar use determination request unless evidence is presented to demonstrate that the proposed use will comply with the purpose, intent, goals, objectives and policies of the comprehensive plan and the zoning district in which it is proposed to be located. The administrative official shall state the reasons upon which the determination is based.

E. If the administrative official finds that the proposed use is similar, he shall also establish whether the proposed use shall be processed as a Type I, II or III use according to Chapter 17.10. If a proposed use is not determined to be similar, it shall not be considered an allowable use. Similar use determinations may be appealed to the hearing examiner as provided in Chapter 17.10 and Title 18B. (Ord. 3745 § 1 (Att. B), 2011; Ord. 3699 § 1 (Att. B), 2009)

17.15.020 Land use table.

The following Table 17.15 indicates those uses which may be permitted through Type I, II or III review in the various zoning districts defined in this title. In addition to Table 17.15, reference to the individual zoning districts and, where indicated, the regulatory notes following Table 17.15 and definitions of Chapter 17.08 is necessary in order to determine if any specific requirements apply to the listed use.

Table 17.15

Table 17.15 Allowable Land Uses	Residential Single-Family	Residential Multifamily	Open Space	Commercial—Town Center	Commercial—West Kelso	Neighborhood Service Center	Specialty Retail and Services	Commercial—Major Retail	Light Manufacturing	General Manufacturing
	RSF	RMF	OPN	CTC	CWK	CNH	CSR	CMR	ILM	IGM
RESIDENTIAL										
Single-family residence (A, N)	I	I_1		I_1	I_1	I_1	I_1	I_1		
Duplex (N)	I_2	I_3		I	I					
Multiple-family dwellings, including rooming and boarding houses,		I		I_4	I_4	I_4	I_4	I_4		

triplexes, fourplexes, condominiums, apartment houses and apartment courts										
Family home services* (C)	I	I								
Group care facility, large* (D)		I								
Expansion and/or reconstruction of a residence	I	I	III							
Mobile home parks and subdivisions (B)		II								
Livestock* (T)	I_{16}									
Accessory apartment* (V)	II									
Temporary manufactured home for aged relative (W)	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							
Fitness centers/sports clubs				II_5	I	I/II_7	I	I	II	
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 and recreation facilities	II	II		I$_{5}$	I	I	I	I	I	I
Educational, cultural, or governmental	II	II		I	I	III	I	I	II	I
Health care facilities*	III	III		I	I	I$_{7}$	I	I		
Marinas, boardwalks, public piers				I	I		I	I		
Museums	III	III		II	II					
Assisted living home*	II	I								
Post office				I						
Religious facilities	II	II		II$_{5}$	I	I$_{7}$	I	II	II	I
Social and fraternal clubs and lodges		II$_{6}$		II	II					
State licensed child day care center	II	II		II$_{5}$	I	I	I	I	I	I

Family day care homes*	I	I		I_5	I					
Child day care centers*	II	II		II_5	I	I	I	I	I	I
MANUFACTURING										
Agriculture* Including agricultural processing									II	I
Fabrication, manufacture, assembly, processing, packaging, repair, servicing of goods									I_9	I_9
Any principally permitted use whose operations are predominantly out-of-doors rather than completely enclosed within a building									II	I
Aquaculture			II							
Commercial indoor storage									I	I
Commercial moving and freight terminals									II	I
Computer and electronic equipment and products									I	I
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
Mechanical, automotive, trucking, agricultural/forestry and contractors' or builders' equipment and supplies									I	I
Marine-oriented commercial and industrial activities									II_{10}	II_{10}
Printing and publishing									I	I
Recycling centers						II	II		I	I
Sales of items manufactured on site									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		
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, Sexually oriented business overlay) (O)				I_7	I	II	I	I		
Farmer's Market				I_{17}	I_{17}	I_{17}	I_{17}	I_{17}		
Formula take-out food restaurant with drive-through					I		I	I		
Formula take-out food				I_7	I		I	I		

restaurant without drive-through										
Hotels, motels, inns*				I_{7}	I		I	I		
Home occupation, major* (G, H)	II	II								
Home occupation, minor* (F, H)	I	I								
Kennels (X)					II		II	II	II	
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								
Personal and professional services				$I_{5,7}$	I	I	I	I		
Professional offices (K)		III		$I_{5,7}$	I	I	I	I	II_{8}	I_{8}
Restaurants				I_{7}	I		I	I	II_{11}	II_{11}
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

Roadside Stands				I[17]	I[17]	I[17]	I[17]	I[17]		
RV Sales, Storage and Repair									I	I
Secondhand retail stores (J)				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* (X)						I[7]	II	II		
Caretaker residence (M)									I	I
Temporary uses (U)	I[17]	I[17]	I[17]	I[17]	I[17]	I[17]	I[17]	I[17]	I[17]	I[17]
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 (P)	I	I	I	I	I	I	I	I	I	I
Communication antennas, category 2 (Q)	II		II	I	I	I	I	I	I	I
Communication antennas, category 3 (R)			II		II		II	II	I	I
Communication towers and monopoles (S)			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.

(Ord. 3745 § 1 (Att. B), 2011; Ord. 3699 § 1 (Att. B), 2009)

17.15.030 Footnotes.

A. The following numbers correspond to the numbers identified at the intersection of land use and use district lines in Table 17.15:

1. Only existing residential uses are permitted. Standards applicable to the RSF-5 zoning district shall apply to such single-family dwellings.

2. Only existing duplex dwelling units are permitted.

3. Only one duplex unit allowed per legal parcel.

4. Commercial/residential mixed use developments; provided, that the residential units are located above the ground floor.

5. Not permitted on the ground floor on Pacific Avenue South between Oak and Maple Streets.

6. Social and fraternal clubs and lodges the principal activity of which is a service customarily carried on as a business are not permitted.

7. Building footprints not exceeding five thousand square feet are permitted; provided, that facilities shall screen all outdoor storage except for outdoor storage for agricultural produce sales, or landscaping retail sales. Buildings of a footprint greater than five thousand square feet, but less than ten thousand square feet, may be allowed through administrative review.

8. Use is limited to a shared use in the same structure as a permitted use.

9. Such goods or products include:

   a. Mechanical, automotive, marine, trucking, agricultural/forestry and contractors' or builders' equipment and supplies.

   b. Winery/brewery.

   c. Printing and publishing.

   d. Wood products.

   e. Furniture and fixtures.

   f. Computer and electronic equipment and products.

   g. Food products.

10. Water dependent uses shall be confined to the designated shoreline areas.

11. Food service is allowed as an administrative use for the convenience of employees and clearly subordinate to the primary use of the property. In reviewing the administrative use application for a food service use, the following standards shall apply:

a. The use is limited in size so that it functions as a service intended for the convenience of employees;

b. The use is located in the interior of the site and is fully screened from public streets;

c. No additional parking shall be allowed;

d. No additional signage is authorized.

12. In the downtown design overlay district (DDO), retail use up to five-thousand-square-foot building footprint is permitted and between five-thousand-square-foot and fifteen-thousand-square-foot building footprint per building may be permitted through administrative review.

13. Use is restricted to minor auto repair services (lubrication and oil change, tune up). Any vehicles remaining on site for more than seventy-two hours shall be screened in accordance with outdoor storage development standards.

14. All public transportation stations shall be located at the city of Kelso multi-modal transportation facility.

15. Limited to no more than one sale for each quarter of the year and no sales event shall last more than two consecutive days.

16. Allowed in the RSF-15 zone only.

17. Requires a temporary use permit.

18. Active recreation facilities shall only be considered for location in designated city parks as listed in the adopted park plan.

19. Height up to a maximum of seventy-five feet, depending on coverage objectives. (Ord. 3745 § 1 (Att. B), 2011; Ord. 3699 § 1 (Att. B), 2009)

EXHIBIT B

Chapter 17.62
SIGNS*

Sections:

17.62.010 General.
17.62.020 Purpose.
17.62.030 Scope.
17.62.040 Permitted signs by type and zoning district.
17.62.050 Dimensional standards and number allowed.
17.62.070 Special sign districts.
17.62.080 Submittal requirements.
17.62.090 Sign permit fees.
17.62.100 Abandoned signs.
17.62.110 Temporary signs.
17.62.120 Maintenance of existing nonconforming signs.

*Prior legislation: Ords. 3431, 3513, 3525 and 3567.

17.62.010 General.

Signs and other graphics are an essential element of any community. Their location, number, size and design influence a community's visual environment and have an effect upon a viewer's perception of our community.

Properly regulated signs and other graphics will effectively convey their message, be appropriate to their surroundings, and shall contribute to the creation of an attractive community.

No sign, including a copy change, or temporary sign, unless exempted by this chapter, shall be constructed, displayed or altered without a sign permit approved by the city. The director of community development or his/her designee shall review all sign permit applications unless otherwise provided. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996)

17.62.020 Purpose.

The purposes of the standards in this chapter are:

A. To promote signs that are complementary to buildings and to the uses to which they relate.

B. To encourage the promotion of the community's appearance by regulating the design location, type, scale, illumination, and maintenance of signs.

C. To allow businesses to identify their premises and advertise their products.

D. To protect the public health, safety and welfare of the community.

E. To review the use of signs that provide direction and aid orientation for businesses and activities.

F. To encourage the effective use of signs for communication in the city.

G. To establish a permit system that allows a variety of types of signs in commercial and industrial districts and a limited variety of signs in other districts, subject to the standards and the permit procedures of this chapter.

H. To prohibit all signs not expressly allowed by this chapter. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996)

17.62.030 Scope.

A. Scope and Exclusions. This chapter applies to all signs that are visible from the public rights-of-way built or altered after the effective date of the ordinance codified in this chapter. It is not intended for this chapter to regulate the following:

1. Directional signs and signs displaying a public notice or warning service message from an applicable federal, state, or local governmental agency;

2. Product dispensers;

3. National flags, or flags of political subdivisions;

4. Holiday lights, banners, decorations with no commercial message, built on private property or in the public right-of-way;

5. Gravestones;

6. Historical site plaques and signs integral to a historic building;

7. Any signage within the public right-of-way, except projecting signs, whose standards are established and regulated by the Kelso Engineering Design Manual (KEDM);

8. Murals on commercial structures that do not include a commercial message;

9. Traffic control signs on private property which meet Department of Transportation standards that contain no commercial message of any sort. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996)

17.62.040 Permitted signs by type and zoning district.

Table 17.62.040 establishes the type and whether the type of sign is permitted, permitted with conditions, not permitted or exempted by land use district.

A. If no symbol appears in the box at the intersection of the column and row, the sign type is not allowed in that district.

B. If the "P" symbol appears in the box at the intersection of the column and row, the sign type is allowed in the district subject to the general requirements established for that sign.

C. If a number appears adjacent to the sign type in the vertical axis the sign type is subject to special standards listed following Table 17.62.040. These standards are in addition to other applicable standards of the Kelso Municipal Code.

Table 17.62.040

Sign Type	Zoning District								
	RSF	RMF	CTC	CWK	CNH	CSR	CMR	ILM	IGM
Billboards								P	P
Off-premises signs			P	P	P	P	P	P	P
Freestanding signs	P_1	P_2	P_4	P	P	P	P		
Freeway signs						P_7	P_7	P_7	P_7
Fascia signs	P_1	P_2	P	P	P	P	P		
Projecting signs			P	P	P	P	P		
Rooftop signs									
For sale/lease/rent signs	P	P	P	P	P	P	P		
Rotating signs									
Flashing signs									
Message board			P_4	P_4	P_4	P_4	P_4	P_4	P_4
Directional signs		P	P	P	P	P	P	P	P
Business complex			P	P	P	P	P	P	P
Electric signs		P_5	P_5	P_5	P_5	P_5	P_5	P_5	P_5
Political signs	P	P	P	P	P	P	P	P	P
Sandwich board signs			P	P	P	P	P		
Temporary signs	P	P	P	P	P	P	P	P	P
Special service signs			P	P	P	P	P	P	P

1. Permitted only for the following uses: Schools, churches and city government uses.

2. Permitted only for the following uses: Schools, churches, city government buildings, and apartment complexes.

3. No neon may be used as a light source. For internally illuminated signs, have an opaque background and the illuminated portion of the sign face must not exceed forty percent of the sign area. The light source will be no further away from the sign than the height of the sign.

4. Must include time and temperature.

5. Internally illuminated signs shall have an opaque background and the illuminated portion of the sign face must not exceed forty percent of the sign area. The light source will be no further away from the sign than the height of the sign.

6. Not allowed within the downtown design guidelines overlay zone.

7. Within a one-thousand-foot radius of the interstate entry/exit point.

(Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996)

17.62.050 Dimensional standards and number allowed.

A. All signs shall comply with the standards specified in the tables and the written standards and regulations contained within this section.

B. Size of signs shall be measured based upon the area of the sign devoted to advertising copy or electronic message boards. Size indicated is for one side of two sided sign.

C. Where a numerical height limit is imposed by this section, height shall be measured from finished grade of the nearest public street to the top of the sign face or sign face enclosure.

Table 17.62.050(A)
RSF-5, -10 and -15 Districts

Sign Type	Size	Height	Number	Other
Freestanding	32 sf per side	8'	1 per frontage	Note 1
Fascia	32 sf	Parapet/eave line	1 per frontage	Note 1
For Sale	6 sf	Parapet/eave line	1 per frontage	
Political	32 sf	Parapet/eave line	Unlimited	

1. Only one freestanding or fascia sign is allowed per street frontage.

Table 17.62.050(B)
RMF District

Sign Type	Size	Height	Number	Other
Freestanding	12 sf— apartments 32 sf per side — schools, churches or city govt. facilities	8'	1 per frontage	Note 1
Fascia	32 sf	Parapet or eave line	1 per frontage	Note 1
For Sale	32 sf	Parapet or eave line	1 per frontage	
Directional	4 sf		1 per frontage	
Political	32 sf	Parapet or eave line	Unlimited	

1. Only one freestanding or fascia sign is allowed per street frontage.

Table 17.62.050(C)
Commercial Districts

Sign Type	Max. Size	Height		Number	Other
Off-Premises	32 sf per side			1 per business	
Freestanding	.75 sf per lineal foot of street frontage	CNH CWK CMR CSR CTC	Note 7	1 per street frontage	Note 1, 4 and 6
Fascia	32 sf min 250 max	Parapet or eave line		2 per business per side	Note 2 and 4
Projecting	15% of bldg elevation sf	Parapet or eave line		1 per business per elevation	Note 2, 3 and 4
For Sale	32 sf	Parapet or eave line		1 per street frontage	
Directional	6 sf			1 per street frontage	
Business Complex	.85 sf per lineal foot of street frontage	CNH CWK CMR	30'	1 per street frontage	Note 4 and 5

Deleted: 1

		CSR		
Political	32 sf per side	Parapet or eave line	Unlimited	
Freeway Signs	125 sf per face	Min 35' Max 100'	1	Note 8

1. May not encroach into public right-of-way.

2. Total of fascia and projecting signs shall not exceed fifteen percent of building elevation sf.

3. May encroach into public right-of-way up to three feet if vertical clearance of eight feet to ten feet is maintained, up to four feet if vertical clearance of ten to twelve feet is maintained and up to six feet if at least twelve feet of vertical clearance is maintained.

4. On any street frontage the following sign combination is allowed:

a. Fascia and freestanding; or

b. Fascia and projecting; or

c. Freestanding.

5. Business complex signs are required for any business in a business complex wanting a freestanding sign.

6. Freestanding signs are not allowed within the downtown design guidelines overlay zone.

7. Maximum height is ten feet plus the distance of the sign base from the edge of the right-of-way, but no higher than twenty feet.

8. The minimum and maximum height includes all message areas attributable to the business.

Table 17.62.050(D)
Industrial Districts

Sign Type	Size	Height	Number	Other
Billboards	300 sf	35 feet	1 per 500 lineal feet	
Off-Premises	32 sf per side		1 per business	
Freestanding	175 sf	Per zone height restrictions	1 per business per street frontage	Note 1 Note 2
Fascia	10% of building elevation sf to a	Parapet or eave line	1 per business per	Note 1

	maximum of 350 sf		street frontage	Note 3
Projecting	10% of building elevation sf to a maximum of 350 sf	Parapet or eave line	1 per business per street frontage	Note 1 Note 3
For Sale	32 sf	Parapet or eave line	1 per street frontage	
Directional	10 sf per side		1 per frontage	
Business Complex	1.5 sf per lineal feet of street frontage	Per IBC	1 per frontage	Note 1 and 2
Political	32 sf per side	Parapet or eave line	Unlimited	
Freeway	125 sf per face	Min 35' Max 100'	1	Note 4

1. On any street frontage the following sign combination is allowed:

a. Fascia and freestanding; or

b. Fascia and projecting; or

c. Freestanding.

2. Business complex signs are required for any business in a business complex wanting a freestanding sign.

3. Total of fascia and projecting signs shall not exceed fifteen percent of building elevation sf.

4. The minimum and maximum height includes all message areas attributable to the business.

(Ord. 3699 § 1 (Att. B), 2009; Ord. 3455 §§ 7, 8, 2000; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996)

17.62.070 Special sign districts.

Persons occupying seventy percent or more of the lineal frontage of properties on both sides of a street in any area may petition the city council for the formation of a special sign district for the purpose of creating or maintaining an area with a particular ethnic atmosphere, to simulate a historic period, theater or entertainment area, or other similar purpose. A group of property owners or persons entitled to possession will be chosen by such property owners to comprise an advisory body of the sign district. This body will draw up the criteria for signs in the district and submit such criteria. The establishment of special sign districts shall be conducted as a Type IV process pursuant to Title 18B. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996)

17.62.080 Submittal requirements.

All sign permit applications shall be reviewed as Type I applications pursuant to Title 18B. Applications for sign permits shall contain the information required for Type I applications and the following additional information:

A. Two plot plans showing locations of proposed sign(s), and lineal feet of street frontage.

B. Two plans of the proposed sign with sign style, size, method of construction and materials used along with a scaled design. For projecting or fascia signs a scaled drawing of the building elevation shall be included.

C. Type of sign, whether illuminated or nonilluminated. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996. Formerly 17.62.090)

17.62.090 Sign permit fees.

A. All sign permit applications shall be accompanied by a fee as established by the city council. Permit fees shall be paid as defined by resolution of the Kelso city council.

B. Political Signs. A deposit of fifty dollars shall be submitted to the city of Kelso to guarantee the signs will be removed. The person making the deposit shall designate the signs by name of candidate or proposition listed on such signs. Deposit without interest will be refunded to the person presenting the deposit receipt to the city clerk if all signs are removed within ten days after the election, which removal shall be verified by the community development department or Kelso police department. If political signs are not removed within ten days after the election, the deposit is forfeited by the applicant. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3598 § 1, 2006; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996. Formerly 17.62.100)

17.62.100 Abandoned signs.

A. Any abandoned or illegal sign, any sign that exists after a business closes that advertised the closed business, any graffiti placed on a sign, building, parking lot or landscaped area, or any temporary sign that exists after its expiration time is hereby declared to be a danger to the health, safety, and welfare of the citizens of Kelso. Any sign that is partially or wholly obscured by the growth of vegetation or weeds or by the presence of debris or litter also presents a danger to the health, safety and welfare of the citizens.

B. Any such signs as set forth in subsection A of this section are hereby deemed to be a public nuisance. Any such sign shall be removed by the property owner within ten days after notice from the director of community development or his/her designee. Any sign not removed following such notice, may summarily be abated by the director of community development or his/her designee in accordance with Chapter 8.24.

C. Legal, conforming structural supports for abandoned signs may remain, if installed with a blank sign face and supporting structures are maintained. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996. Formerly 17.62.110)

17.62.110 Temporary signs.

The following temporary signs are permitted subject to the approval of a permit as specified:

A. Political signs shall include those about nonpartisan elections, bond measures, initiatives, and similar matters and to the customary partisan politics. Political signs do not include permanent outdoor advertising structures or billboards, which are regulated by the other sections of this chapter, despite whether political advertising is carried on such outdoor advertising structures or billboards. Political signs shall be removed within ten days after the date of an election.

B. Subdivision signs shall include those about the advertising of residential lots that identify the developer, architect, engineer, real estate company and a lot design. Maximum copy area is thirty-two square feet for one side, sixty-four square feet for two sides. Subdivision signs shall be removed within thirty-six months after the recording of the final plat.

C. Banners, streamers, strings of pennants, fabric signs, strings of lights, clusters of flags, wind-animated objects, balloons, search lights, temporary signs on vehicles and other similar devices of a carnival nature, or a group of temporary portable signs when displayed on private property for nonresidential uses: rigid material signs cannot exceed twenty square feet in area; fabric signs, wind-animated objects, balloons and temporary signs on vehicles cannot exceed fifty square feet in area. These types of signs shall be removed within thirty days of being permitted.

D. Paper or nylon window signs cannot exceed fifty percent of the window area and must be removed within thirty days after being permitted.

E. In the central business district, temporary portable sandwich board signs may be placed in the public right-of-way (sidewalk) under the following conditions:

1. Sandwich board signs, including the assembly, shall not exceed twelve square feet in total area;

2. Such signs shall not be utilized and/or displayed for longer than twelve hours at a time. This shall generally be interpreted to mean daylight hours;

3. Such signs shall be utilized exclusively for downtown businesses or events;

4. Such signs shall not be placed so as to obstruct pedestrian traffic. A minimum of forty-four inches of travel area must be maintained at all times, per the Americans with Disabilities Act requirements;

5. Such signs shall be professionally designed and constructed;

6. A sign permit is required and final design shall be approved by the community development department. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3476 § 1, 2001; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996. Formerly 17.62.120)

17.62.120 Maintenance of existing nonconforming signs.

Except as restricted in specific zoning districts, existing nonconforming signs may be maintained, altered or structurally revised if:

A. The sign was lawfully erected;

B. Structural revisions or alterations will not increase the sign's nonconformity with the provisions of this chapter;

C. Such alteration or relocation is required because of government action;

D. The sign is not changed to another nonconforming sign;

E. The sign is not reestablished after discontinuance for ninety days or more; and

F. The sign is in full compliance with all other ordinances of the city. (Ord. 3699 § 1 (Att. B), 2009; Ord. 3356 § 1, 1997; Ord. 3316 § 2, 1996. *Formerly* 17.62.130)

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