



Kelso Planning Commission
Agenda
Regular Meeting at 6:00p.m.
Tuesday, September 8, 2015
City Hall Council Chambers, 203 S. Pacific Ave.

Agenda	Approved/ Denied	Remarks
Call to Order: 1. Roll Call.		
Approve Minutes: 1. July 28, 2015 Special Meeting minutes. 2. August 11, 2015 Regular Meeting canceled.		
Presentation:		
Public Hearing:		
Citizen Business:		
Commission Business: 1. Planning Consultant from G.R. Dohrn & Associates. Discussion of the City's Development Regulations including: a. Livestock b. Home businesses c. Downtown Overlay District		
Action/Motion Items:		
Adjournment: 1. Next regularly scheduled meeting October 13, 2015.		

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 Special Meeting Minutes
Tuesday, July 28, 2015
6:00 pm – 7:21 pm

Commissioners Present: Rick VonRock, Daniel Graves, James Webb, Charles Hendrickson.

Commissioners Absent: Clark Hislop

Staff Present: Amy Mullerleile, Recording Secretary.

Call to Order:

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

Minutes:

Commissioner Graves made the motion, seconded by Commissioner Hendrickson to approve the minutes of July 14, 2015. Motion carried, all in favor.

Citizen Comments:

Janet Roderick, 614 N. 3rd Ave., Kelso, WA. Expressed a desire to have chickens for fertilizer and fresh eggs. Ms. Roderick also expressed a concern regarding the need for more handicapped ramps around the City, a better system of connecting ramps, and other issues with the existing facilities.

Kathleen Mattison, 500 S. 3rd Ave., Kelso, WA. Advocated for her neighbor to be able to keep her geese saying they were an asset that has reduced crime, loitering, and break-ins in her area.

Patrice Bradley, 515 S. 3rd Ave., Kelso, WA. Has owned geese for three years and would like to see the code change so she can continue to use them to protect her home and property from crime and raccoons. She described several scenarios where the geese have been a positive presence. She also would like to have chickens.

Commission Business:

The City's planning consultant, Gregg Dohrn, used the public comments to reintroduce the topic of zoning, the table of permitted uses, and where certain livestock is permitted within the City. After discussing the current regulations, potential conflicts and future considerations, the Commissioners asked Mr. Dohrn to provide information from other jurisdictions regarding livestock including potential conditions. Mr. Dohrn agreed to provide additional information at a future meeting.

Mr. Dohrn then introduced the topic of the table of permitted uses that was discussed at the previous meeting. He asked if any of the Commissioners had any comments or concerns after reviewing the table; all of the Commissioners felt the table was acceptable and had no issues to discuss.

The discussion then turned to the proposed changes to the zoning map. Mr. Dohrn reported that he looked into the multifamily area on the east side of the City and said there could be some locations in that area appropriate for single family residential. He also explained that he plans to look into the multifamily zones in the downtown area to make sure they are not more compatible to be used for office space. There was discussion regarding residential zones, the need for flexibility, and some of the options to provide that flexibility.

Mr. Dohrn then explained the difference between minor and major home occupations and discussed some of the challenges associated with the code addressing home based businesses. There was discussion of some of the issues to consider including noise, parking, employees, signage, business licenses, and antique stores.

Mr. Dohrn then provided an explanation of overlays in general and the overlays employed in Kelso, particularly the specifics of the downtown overlay. Mr. Dohrn asked the Commissioners to consider the benefits of the current regulations and provide guidance on the usefulness of the overlay standards, the desired level of regulation, and the appropriate boundaries for these regulations to apply. Commissioner VonRock stated that any changes to the downtown zone should require a public hearing and also asked for data on new development in the downtown in the last 5 years.

He also asked the Commissioners to continue considering the standards surrounding home occupation businesses and provide guidance at the next meeting.

Adjournment:

There being no further business, Commissioner Webb made the motion, seconded by Commissioner Hendrickson to adjourn at 7:21 pm.

Rick VonRock, Planning Commission Chair

Respectfully submitted: Amy Mullerleile, Recording Secretary



Community Development Department

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



PUBLIC NOTICE

Planning Commission Meeting Tuesday, August 11, 2015 CANCELED

If you should have any questions in regards to the Planning Commission, please contact:
Michael Kardas, Community Development Director at (360) 577-3376.

Posted: Tuesday, July 21, 2015

G. R. Dohrn and Associates

Memorandum

Date: September 3, 2015
To: Kelso Planning Commission
From: Gregg Dohrn/Amy Mullerleile/Stephanie Helem
Subject: September 8 Planning Commission Meeting

At your September 8th meeting, we will continue our discussion of revisions to the City's Development Regulations including:

1. Livestock;
2. Home businesses; and
3. The Downtown Overlay.

At your last meeting you received testimony from several residents who would like to keep livestock such as geese at their single family residence. Currently, livestock, which is defined as horses, cows, llamas, sheep, goats, chickens, and pigeons, are only permitted in the RSF-15 Zone, subject to the following conditions:

17.15.040 Regulatory notes.

- A. *Livestock are allowed within the RSF-15 zone subject to the following densities and standards:*
1. *Horses: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two horses per lot; or*
 2. *Cows: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two cows per lot; or*
 3. *Llamas: Two per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of four llamas per lot; or*
 4. *Sheep: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight sheep per lot; or*
 5. *Goats: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight goats per lot; or*

6. *Chickens: One rooster/six hens per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of one rooster/six hens per lot; or*
7. *Pigeons: Twelve pigeons per twenty-one thousand seven hundred eighty square feet of lot area to a maximum of twenty-four pigeons per lot;*
8. *There must be a minimum distance of not less than forty feet between a building for human habitation and a structure housing livestock or poultry;*
9. *Livestock and poultry shall not be located any closer than one hundred feet from any residential building on an adjacent lot and no less than fifty feet from the property line of an adjacent vacant parcel capable of development. Confined feeding areas or structures to house livestock or poultry shall not be located closer than two hundred feet to any preexisting residence on adjacent properties.*

In addition, the current regulations define a “domestic animal” as *cats, dogs, rabbits, and other small animals commonly kept as pets in the city*. It is not clear however, if the regulations contain any provisions that would limit the keeping of domestic animals. As a result, one could argue that only livestock are regulated and that any animal that met the definition of a domestic animal is permitted in all zones.

Since we have merged the RSF-15 and RSF-10 zones the current draft of the revised regulations permits livestock only in the RSF-10 zone, subject to the same limitations (note: eighty-seven thousand one hundred twenty square feet of lot area is two acres and twenty-one thousand seven hundred eighty square feet of lot area is a half-acre). As written, any livestock in the RSF-10 zone that didn't meet the criteria or any livestock in a zone other than the RSF-10 zone would be considered illegal non-conforming uses and potentially subject to a code enforcement action. This would potentially include the geese that are being kept to protect a single family residence in the RSF-5 zone that you heard about in your last meeting.

By way of comparison, the City of Longview permits certain animals in the R-1 (6,000 square feet minimum lot size) and the traditional neighborhood residential zone (TNR) (5,000 square feet minimum lot size) subject to the following conditions:

6.06.360 Animals and fowl prohibited in certain areas – Exceptions. 

It is unlawful to keep, stable, feed, pasture or otherwise maintain any cow, horse, mule, goat, swine, chicken, duck, goose or other fowl or pigeon under any condition within the city except within the area now or hereafter zoned R-1 residential district and traditional neighborhood residential (TNR) under LMC Title [19](#), with the following exceptions:

- (1) Any such animals or fowl may be transported through other areas of the city in one continuous trip;*
- (2) Any horse may be worked or used temporarily in other areas of the city;*

- (3) *Any merchant having a city business license and maintaining a regularly established business within the building for such purpose may keep fowl for sale in such place of business; and*
- (4) *Ducks, geese or other fowl may be kept within any area duly designated as a game preserve by the city or other public utility having jurisdiction in the matter.*

6.06.370 Keeping horses and cows – Fence requirements. 

- (1) *In those areas within the city limits where it is permissible to keep horses and cows, they shall be kept only within buildings or within areas enclosed by a lawful fence.*
- (2) *For the purposes of this section, the following shall be considered lawful fences:*
 - (a) *Post and rail or plank fence, five feet high, made of sound posts five inches in diameter set substantially in the ground, not more than 10 feet apart, with four planks not less than one inch thick and six inches wide, securely fastened by nails or otherwise, said planks not more than nine inches apart;*
 - (b) *Post and rail fences with posts not more than 10 feet apart and rails not less than four inches wide (five of them), made in all other respects the same as the first hereinabove described;*
 - (c) *Worm fences made in the usual way of sound and substantial rails or poles five feet high including riders with stakes firmly set in the ground and spaces no greater than in post or plank or rail fences, except the two lower spaces which shall not be more than four inches and the top spaces between riders not to be more than 16 inches;*
 - (d) *Ditch and pole or boards or rail fence shall be made of a ditch not less than four feet wide on top and three feet deep, embankment thrown up on the inside of the ditch with substantial posts set in the embankment not more than 10 feet apart, and plank, pole or rails securely fastened to said post at least seven feet high from the bottom of the ditch.*
- (3) *All other fences as strong and as well calculated to protect the enclosures as either of those described in subsection (2) of this section shall be lawful fences.*

6.06.380 Keeping goats, sheep or swine – Fence requirement. 

- (1) *In those areas within the city limits wherein it is permissible to keep goats, sheep or swine, they shall be kept either within buildings or within areas enclosed by a tight fence not less than 36 inches high and with no openings wider than two*

inches, if made of wood or other like material, and with openings no larger than two inches square if made of wire or like material.

- (2) *Such fences shall be flush with the ground and shall be attached to poles or stakes no further apart than 10 feet and of sufficient size and strength to resist pressure from the animals within said enclosed area.*

In the City of Spokane Valley, certain animals are permitted in all residential and industrial zones subject to the following conditions:

19.40.150 Animal raising and keeping. 

Where permitted, the keeping of poultry and livestock (excluding swine and chickens) is subject to the following conditions:

- A. *Minimum Lot Requirements.*
 1. *In residential zones, the lot or tract shall exceed 40,000 square feet in area, except as set forth in subsections G and I of this section,*
 2. *In mixed-use zones, on lots or tracts with legally established residential uses that exceed 40,000 square feet;*
- B. *The keeping of swine is not permitted;*
- C. *Any building or structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, or enclosure, or any manure pile, shall be located not less than 75 feet from any dwelling;*
- D. *No building or structure housing poultry or livestock including, but not limited to, any stable, paddock, yard, runway, pen, or enclosure, or any manure pile, shall be located within the front yard nor be closer than 10 feet from any side property line;*
- E. *The keeping of animals and livestock is limited as follows:*
 1. *Not more than three horses, mules, donkeys, bovines, llamas or alpacas shall be permitted per gross acre, or*
 2. *Not more than six sheep or goats shall be permitted per gross acre, or*
 3. *Any equivalent combination of subsections (E)(1) and (2) of this section;*
- F. *Small Animals/Fowl. A maximum of one animal or fowl (excluding chickens), including duck, turkey, goose or similar domesticated fowl, or rabbit, mink,*

chinchilla or similar animal, may be raised or kept per 3,000 square feet of gross lot area. In addition, a shed, coop, hutch or similar containment structure shall be constructed prior to the acquisition of any small animal/fowl;

G. In residential areas, the keeping of chickens is subject to the following conditions:

- 1. A maximum of one chicken may be raised or kept per 2,000 gross square feet of lot area, with a maximum of 25 birds allowed,*
- 2. The keeping of roosters is prohibited,*
- 3. Coops, hutches, or similar containment structures shall be kept a minimum of 20 feet from the front property line, five feet from side and rear property lines, and 15 feet from flanking streets,*
- 4. Coops, hutches, or similar containment structures shall be kept a minimum of 25 feet from dwellings on neighboring properties, and*
- 5. All chickens shall be contained within the subject property;*

H. Structures, pens, yards, enclosures, pastures and grazing areas shall be kept in a clean and sanitary condition;

At the September 8th meeting, we would like to discuss whether you would like to consider any revisions to the regulations governing livestock or domestic animals. Potential options include:

1. Leave the regulations as currently written which would restrict livestock to the RSF-10 zone and although it is somewhat vague, would permit certain domestic animals throughout the city;
2. Revise the definition of domestic animals to include other animals such as geese;
3. Revise the definition of livestock to include other animals such as geese, revise the standards for keeping livestock, and/or permit livestock in other zones such as the RSF-5 zone;
4. Permit livestock or animals in other zones such as the RSF-5 zone through a Special Use Permit which would provide the neighbors with an opportunity to comment and to potentially establish conditions of approval; or
5. Something else.

Another policy matter that we would like to discuss with you is the regulations governing home businesses. The current development regulations make a distinction between minor home occupations which are limited to uses of a service character and major home businesses which

include small-scale retail sales and mail order businesses. In addition, the current codes identify certain uses that have a pronounced tendency to interfere with or impair the use and value of adjoining properties and therefore are not permitted.

F. Minor home occupations shall meet all of the following criteria:

- 1. Minor home occupations are limited to those of a service character, but may include limited retail sales directly related to the home occupation.*
- 2. Minor home occupations shall be conducted within the dwelling unit and/or attached garage by members of the family residing in the dwelling only.*
- 3. There shall be no outside storage of materials, supplies, or display of goods or equipment of any kind related to the minor home occupation, except for one commercial vehicle as it pertains to the home occupation.*
- 4. Any need for any customer parking created by the home occupation shall be provided off street, in a location other than the required front yard setback.*
- 5. No on-street parking of commercial vehicles is allowed and adequate driveway parking space or abutting on-street parking shall be required to accommodate peak traffic expectancy.*
- 6. With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.*
- 7. Hours of operation shall occur between 7:00 a.m. and 10:00 p.m.*
- 8. There shall be no exterior evidence of the home occupation, other than a permitted sign, that would cause the premises to differ from its residential character (e.g., outward physical appearance; lighting; the generation/emission of noise, fumes, or vibrations as determined by the administrative official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home occupation; or on average increase vehicular traffic by more than two additional vehicles at any given time).*

G. Major home occupations shall meet the following requirements:

- 1. Major home occupations may include services, small-scale retail sales of products, mail order businesses and storage of materials associated therewith.*
- 2. Major home occupations shall be conducted by members of a family residing in the dwelling, except the administrative official may authorize the family to employ a limited number of nonresident individuals to assist with the home occupation on a case-by-case basis.*

3. *A major home occupation may be conducted within the dwelling unit, attached garage, or a detached garage only. The outward appearance shall be secondary and subordinate to the primary use of the property and the purpose of the zoning district. There shall be no exterior evidence of the home occupation, other than a permitted sign, that would cause the premises to differ from its residential character: (e.g., lighting; the generation/emission of noise, fumes, or vibrations as determined by the administrative official using normal senses and from any lot line; create visible or audible interference in radio or television reception or cause fluctuations in line voltage outside the home occupation; or on average increase vehicular traffic by more than two additional vehicles at any given time).*
 4. *There shall be no outside storage of materials or supplies, or display of goods or equipment of any kind related to the home occupation, except one commercial vehicle as it pertains to the home occupation and employee parking.*
 5. *Any need for customer or employee parking created by the home occupation shall be provided off street, in a location other than the required front yard setback.*
 6. *No on-street parking of commercial vehicles is allowed and adequate driveway parking space or abutting on-street parking shall be required to accommodate peak traffic expectancy.*
 7. *With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.*
 8. *Hours of operation shall occur between 7:00 a.m. and 10:00 p.m.*
- H. *Uses Not Permitted as Home Occupations. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations, interfere with or impair the use and value of adjoining properties, or violate the restriction of no exterior evidence (e.g., outward physical appearance; outside storage of materials, supplies or vehicles; generation of noise, dust, fumes, odors, electrical interference, vibrations, excessive traffic, etc.). Therefore, the uses listed below shall not be permitted as home occupations:*
1. *Beauty salons and barber shops with more than one chair;*
 2. *Gift, craft, secondhand stores;*
 3. *Kennel;*
 4. *Large item repair, including stoves, refrigerators, washers and dryers, etc.;*
 5. *Towing services;*

6. *Trucking businesses or storage, except for the parking or storage of one commercial vehicle used solely by the owner/operator residing on the premises;*
7. *Veterinarian clinic;*
8. *Cabinet making, woodworking or carpentry shops;*
9. *Antique shops;*
10. *Health salons, spas, gymnasiums, martial arts schools, dance studios, aerobic exercise studios;*
11. *Machine and sheet metal shops;*
12. *Motor vehicle, trailer or boat maintenance, repair, detailing, paint, and body shops;*
13. *Taxidermist;*
14. *Upholstering;*
15. *Taxi services.*

The revised regulations as currently written eliminate the distinction between major and minor home occupations but carries forward all of the existing limitations. The revised regulations include a provision from the Longview Municipal Code which may, or may not be desirable:

On-site retail sale of goods not produced, processed or fabricated on the premises is prohibited, unless the sale of items is incidental to a permitted home occupation (e.g., a barber shop that sells hair-care products, etc.). No goods or merchandise shall be displayed such that they are visible from public rights-of-way or adjacent properties.

In response to comments submitted by Gregory S. Donges, we have also changed the focus of the regulations away from “home occupations” and have proposed using the term “home business” which would be defined as an accessory use of a dwelling unit for commercial purposes involving the manufacture, provision, or sale of goods and/or services.

In addition, the revised regulations include a partial listing of uses that could be permitted as home businesses, including:

- B. *The following uses may be permitted as a home business in the city:*
 1. *Beauty parlor, barber shop, or salon (one chair only);*
 2. *Professional services such as accounting;*

3. *Tutoring;*
4. *Music instruction;*
5. ????????????????

By way of comparison, the City of Longview regulates home businesses as follows:

19.22.030 Home occupations. 

Home occupations shall adhere to the following standards:

- (1) *Requirements. Home occupations shall not be permitted without a business license having first been issued in accordance with LMC Title 5. All home occupations shall comply with all applicable ordinances of the city, and shall be consistent with the following provisions:*
 - (a) *Home occupations located in the principal residence are restricted to not more than 30 percent of the usable floor area of the dwelling in which they are located. The principal use of the dwelling must remain residential;*
 - (i) *For the purposes of this section, “usable floor area” is defined as the finished living space in a dwelling unit but not including a cellar or garage.*
 - (b) *A detached accessory building may be used for home occupations; provided, that the total area devoted to the home occupation cannot exceed 30 percent of the useable floor area of the principal dwelling unit. Further, the total area devoted to a home occupation use in either the principal dwelling unit or an accessory building (or a combination thereof) shall not exceed 30 percent of the usable floor area of the principal residence;*
 - (c) *Only persons residing in the dwelling may be engaged in the home occupation;*
 - (d) *The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable required off-street parking;*
 - (e) *On-site retail sale of goods not produced, processed or fabricated on the premises is prohibited, unless the sale of items is incidental to a permitted home occupation (e.g., a barber shop that sells hair-care products, etc.). No goods or merchandise shall be displayed such that they are visible from public rights-of-way or adjacent properties;*

- (f) *Home occupations shall not be permitted where they involve the construction of features and exterior modifications not customarily found in a dwelling and residential neighborhood as determined by the director;*
- (g) *No stock-in-trade or merchandise is to be kept on the premises other than inventory and incidental supplies which are necessary for the conduct of the home occupation. Outdoor storage that is visible from a public right-of-way or adjacent properties, that exceeds what is customary for a residence, is prohibited;*
- (h) *No noise, dust, odors, noxious fumes or vibrations resulting from a home occupation shall exceed that which is normally produced in a single-family dwelling. Mechanical or electronic equipment incidental to the conduct of a home occupation may be used, provided such use does not create visible or audible interference in radio, television or telecommunication receivers or transmitters, or cause fluctuations in line voltage off the premises. Home occupations shall not interfere with the delivery of utilities or other services to the area;*
- (i) *Any type of repair or assembly of vehicles or equipment with internal combustion engine or of large appliances or any other work related to automobiles and their parts is prohibited;*
- (j) *A home occupation may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations;*
- (k) *No more than two vehicles may be used in association with the home occupation. The maximum size of the vehicles used in association with the home occupation is a light truck. Light trucks are trucks or similar vehicles with a single rear axle; and*
- (l) *One sign is permitted to advertise the home occupation; however, such sign shall be no larger than two square feet in area, non-illuminated, and must be attached to the dwelling.*

The City of Spokane Valley regulates home businesses as follows:

19.40.140 Home occupations. 

A. Applicability. Any person, group or entity conducting a “for profit” enterprise from a location whose primary use is a residence must obtain a home occupation permit. A home occupation may be established in a residence that has been legally permitted. Businesses may be exempt from the home occupation permit fee, as established by the master fee schedule, if all of the following criteria are met:

- 1. There are no proposed exterior alterations to the residence or any accessory structure(s) which change the residential character of the property;*
 - 2. Goods and commodities associated with the business are not delivered to the premises;*
 - 3. There are no business customers visiting the premises;*
 - 4. There are no signs or window displays on the property related to the business;
and*
 - 5. Any employees engaged in the business must live in the residence (no outside employees).*
- B. Home occupations are permitted as accessory uses, except as indicated by subsection C of this section, incidental to the property's principal use as a residence, subject to the following requirements:*
- 1. Property shall retain a residential appearance and character;*
 - 2. All storage shall be enclosed within the residence or accessory structure;*
 - 3. There shall be a limit of two employees not residing on the premises engaged in the home occupation;*
 - 4. One unlighted sign placed flush against the exterior wall of the principal structure not exceeding four square feet in area is permitted;*
 - 5. There shall be no window display nor shall sample commodities with the exception of flowers and produce grown on the premises be displayed outside the building(s);*
 - 6. The hours of operation of a home occupation are limited to 7:00 a.m. to 10:00 p.m.;*
 - 7. The home occupation use shall not create electronic interference including, but not limited to, interference with radio, satellite reception, telephone or television reception, nor generate measurable levels at the property line of noise, dust, smoke, odor or glare. The home occupation activity shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted;*
 - 8. Loading docks and mechanical loading devices are not permitted;*
 - 9. No traffic or parking of vehicles shall be generated by a home occupation in greater volumes than normally expected in a residential neighborhood and any*

need for parking must be accommodated within the required off-street parking for the dwelling unit; and

10. *Uses which are detrimental to the existing residential appearance and character are not allowed as home occupations.*
- C. *Specific uses which are not permitted as home occupations include, but are not limited to, the following: adult retail use establishment, adult bookstore or adult entertainment establishment; auto repair; welding or metal plating shops; large appliance/electronics or equipment repair or service; small engine repair; truck hauling and/or tow storage yard; vehicle sales; cabinet making; manufacturing and/or related storage; kennel or stables; wholesale or retail sales; and restaurants/drinking establishments.*

The city of Battle Ground regulates home businesses as follows:

17.135.090 Home occupations. 

A. Purpose.

1. *Support Small-Scale Businesses. Provide residents with an opportunity to use their homes to engage in small-scale business activities.*
2. *Reduce Traffic Congestion. By providing opportunities for residents to work in their homes, reduce home-to-work and work-to-home trips that add to the congestion on the city's streets during the morning and evening peak periods.*
3. *Protect Neighborhood Character. Establish approval criteria and standards to ensure that home occupations are conducted as lawful uses that are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties.*

B. Development Requirements.

1. *Applicability. Home occupations shall be a limited use in all zoning districts within legally established residential homes. Such uses shall be subject to home occupation review under the business license process and subject to the development standards in subsection (B)(2) of this section.*
2. *Development Requirements. Failure to comply with any or all of the following development standards will result in revocation of the home occupation permit.*
 - a. *Employees. One nonresident employee is permitted for home occupation activities located in all zoning districts.*

- b. *Incidental Sales.* The sale of consumer goods shall be prohibited except when the product to be sold is clearly incidental and secondary to the services authorized by such home occupation.
 - c. *Off-Site Impacts.* No home occupation shall generate measurable levels at the property line of dust, smoke, odor or glare. Off-site impacts or noise in excess of the state standards outlined in Chapter [173-60](#) WAC maximum environmental noise impact and specified in Chapter [9.42](#) BGMC. The home occupation activity shall not generate solid waste in volume or type which is not normally associated with residential use.
 - d. *Disturbing Influences.* The home occupation use shall not create electronic interference, including but not limited to: interference with radio, satellite reception, telephone or television reception.
 - e. *Exterior Modification.* To preserve the residential appearance of the structure, there shall be no evidence of the home occupation from the exterior of the structure. There shall be no exterior modification of the structure that would suggest use other than for residential purposes, such as the conversion of garages to usable space by filling in the garage door opening. The addition of a separate side entrance is authorized. No signage permitted.
 - f. *Limitations on Customers and Visitors.* The combined total number of customers and business visitors associated with the home occupation shall be limited to no more than an average of six per day per week (Monday through Sunday).
 - g. *Location of Use.* All uses or activities associated with home occupations shall be wholly carried on within a dwelling or accessory structure by a member or members of a family except as allowed in subsection (B)(2)(a) of this section. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than twenty-five percent of the combined floor space of such dwelling and accessory structure or five hundred square feet, whichever is less, may be used for the home occupation.
 - h. *Outdoor Storage.* No outdoor storage associated with home occupations shall be permitted.
 - i. *Vehicles.* Vehicles shall be limited to single rear axle vehicles not to exceed twenty-four thousand gvw.
3. *Exemptions.*
- a. *Garage sales* as per Chapter [5.08](#) BGMC are exempt from obtaining a home occupation permit.

- g. Manufacturing and/or related storage;*
 - h. Kennel or stable;*
 - i. Restaurants/drinking establishments;*
 - j. Metal plating;*
 - k. Any use generating, storing or utilizing hazardous waste.*
- 6. Hours of Operation. Normal hours of operation shall be 7:00 a.m. to 8:00 p.m. with after hours activity permitted if wholly indoors and fully compliant with the off-site impact standards.*
 - 7. If the use is not specifically listed, the planning director or his/her designee has the discretion to allow, prohibit or exempt the use as a home occupation.*
 - 8. City business license requirements apply to all home occupations, including exempt uses with the exception of garage sales.*

As you reflect on the various provisions regulating home businesses, your thoughts on the following questions would be helpful:

1. Is the current distinction between minor and major home businesses useful and something that should be carried forward?
2. Are there uses that you would like to see specifically permitted or not permitted?
3. To what extent, if any, should retail sales be permitted as a home business?
4. Are there any standards or limitations you would like to see deleted, modified, or added?
5. Should home businesses be required to get a business license?
6. Some cities do not permit home occupations to have any signage (Battle Ground) and some limit the number, size, and location of home business signage. The city of Longview for instance provides that *“One sign is permitted to advertise the home occupation; however, such sign shall be no larger than two square feet in area, non-illuminated, and must be attached to the dwelling.”* Spokane Valley provides that *“One unlighted sign placed flush against the exterior wall of the principal structure not exceeding four square feet in area is permitted.”* To what extent, if any, would you like to see home business signs regulated?

If time permits, the final policy issue that we would like to discuss with you involves the standards governing development in the downtown area. The regulation currently in effect includes a zoning district specifically for the downtown, the town center commercial zone

(CTC). In accordance with the provisions of the updated comprehensive plan, this zone is being integrated into a new General Commercial (GC) zone. In addition, the current regulations also establishes a Downtown Design Overlay District which includes additional standards that are applicable to the entire CTC zone as well as a small portion of the Special Retail and Residential Multi-Family zones adjacent to the downtown. These overlay requirements include:

17.30.030 Downtown design overlay.

- A. *The purpose of the downtown design overlay zone is to establish design guidelines to protect, maintain and enhance the unique characteristics and diversity of the downtown area of the city.*
- B. *Applicability. The boundaries of the downtown design guidelines overlay (DDO) zone are shown on the official zoning map.*
- C. *Review Required.*
 - 1. *No permit or approval for the construction of any new building, the substantial alteration of the exterior appearance of any structure or the installation of any sign in the downtown design guidelines overlay zone shall be issued unless a certificate of design has been issued by the director. The substantial alteration of the exterior appearance of an existing structure includes the alteration, addition to or modification of the primary and/or secondary facade of the subject structure, which fundamentally alters the facade.*
 - 2. *Minor alterations, emergency repairs, ordinary maintenance and repairs, interior remodeling or decorations are exempt from the requirements of the overlay zone.*
 - 3. *The decision of the director shall be binding on the applicant and compliance with such decision is mandatory.*
- D. *Projects within the downtown design overlay zone shall be subject to the standards and guidelines contained within the city of Kelso design review handbook and by the following general design guidelines:*
 - 1. *Civic Spaces.*
 - a. *Sidewalks shall be designed to function as public open spaces bordered by buildings, in addition to facilitating pedestrian movement. Buildings shall be designed to enhance the pedestrian experience through the use of such features as building articulation (i.e., variations in building materials, surface texture, windows, doors, porches and other facade features), landscaping, lighting and signage without encumbering the efficient*

movement and parking of vehicles. Where feasible, a project application should consider relocation of overhead utilities underground.

- b. Development at street intersections shall enhance intersections in ways that extend beyond functional needs through the location of building entries and the incorporation of building details, street lighting, landscaping and signage which respect and conform to the character of existing structures at the intersection.*

2. Buildings.

- a. New construction shall preserve and continue the traditional block development pattern of the city by creating buildings that follow in scale and proportion the traditional modularity of existing block faces with buildings constructed to street property lines and main pedestrian access to the building is from the street. New development and redevelopment shall be designed with the same scale and proportions as would be found within the traditional block pattern with buildings constructed to the property line and with pedestrian access from the street.*
- b. New structures built between or among existing structures shall reflect the principles of design of the surrounding buildings in proportion, composition and detail. New buildings shall be designed to reflect turn of the century (1900) western commercial structures typical to Kelso. To accomplish these goals, building designs shall adhere to the following:*
 - i. Proportions of the facade shall be similar to those of historic turn of the century buildings;*
 - ii. Existing cornice lines shall be continued;*
 - iii. Storefronts shall be aligned; and*
 - iv. Windows, storefronts and other openings shall be in the same proportions as those of adjacent buildings both on upper and ground floor levels.*
 - v. In circumstances where there are no appropriate structures to establish a context, buildings shall incorporate the design elements found in turn of the century (1900) western commercial buildings typically constructed in Kelso.*
- c. Designs that incorporate artificial or synthetic decorative detail to replicate historic precedent are discouraged, while designs that utilize traditional materials and craftsmanship to create the same quality and detail as historic buildings are encouraged.*

3. *Architectural Elements and Materials.*

- a. *Building design elements, details and massing shall create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings shall exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure shall be clearly distinguished from its facade walls.*
- b. *The design of new buildings shall incorporate architectural features, elements and details to achieve a good human scale.*
- c. *Building exteriors shall be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*
- d. *Buildings shall avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they shall receive design treatment to increase pedestrian comfort and interest.*
- e. *In addition to the sign standards outlined in Chapter 17.62, signage within the design guidelines overlay shall be patterned after the signage of the era as indicated in the design review handbook. If there is a contradiction between Chapter 17.62 and the design review handbook, the handbook shall determine the required standard.*

4. *Parking and Access.*

- a. *Entries shall be clearly identifiable and visible from the street.*
- b. *Siting shall minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety. Off-street parking areas on a commercial street front shall be minimized and where possible shall be located behind or under a building.*
- c. *Building sites shall locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they shall be situated and screened from view and shall not be located in the pedestrian right-of-way.*

As you will note, these overlay requirements also require that the construction of a new building, the substantial alteration of an existing building, and new signs in the overlay district must also comply with the provisions of the City of Kelso Design Review Handbook which was adopted in

2002. This handbook includes provisions that govern the appearance of buildings and signs, site layout, and the treatment of features such as awnings and blank walls.

By way of comparison, Kelso is similar to most communities in regulating uses in the downtown area and in establishing standards for parking, landscaping, and signage. Communities vary greatly, however, when it comes to adopting standards that govern the design and appearance of buildings. In general terms, communities with historic buildings or with a characteristic style of buildings are more likely to have adopted design standards, but that is not always the case. Kelso is somewhat unique in that it has a special zoning district for just the downtown, overlay requirements in addition to the zone specific requirements, and design standards. As you review the various standards that are applicable to proposed development activities in downtown Kelso, we would appreciate your thoughts on the following questions:

1. To what extent, if any, should the provisions currently applicable to downtown Kelso be applicable in all development in the new General Commercial Zone?
2. To what extent, if any, should the current provisions specifically applicable to downtown Kelso remain applicable to just downtown Kelso?
3. To what extent, if any, are the regulations currently in place, discouraging new construction or the remodeling of buildings downtown?
4. Many uses in the downtown are limited to building footprints that do not exceed 5,000 square feet or through administrative review up to 10,000 square feet. Are these limitations useful?
5. Are the Design Standards generating the desired results downtown?
6. What, if anything, can be done to encourage investment downtown and/or to make downtown a unique and attractive place?

In closing, this is a lot of information to cover so we may extend our discussion over several meetings. As you read through and reflect on the various provisions, please don't hesitate to make notes in the margins or write down any questions or comments that you might have. We'll see you on the 8th!

Chapter 17.08

DEFINITIONS

17.08.020 Definitions.

“Livestock” for the purposes of this title, means horses, cows, llamas, sheep, goats, chickens, and pigeons.

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 shall be reviewed in accordance with the review process described with Section 17.10.035, Title 18B, 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, shall be reviewed in accordance with the review process described in Section 17.10.040, Title 18B, and the applicable standards of this title to ensure:

1. Consistency with the city comprehensive plan goals, objectives, policies and development criteria;
2. The intent, character and development standards 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 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. 3799 § 1 (Att. B), 2013; Ord. 3771 § 1 (Exh. A), 2012; 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. 3799 § 1 (Att. B), 2013; Ord. 3771 § 1 (Exh. A), 2012; 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 of Section 17.15.030 (Footnotes) and definitions of Chapter 17.08, is necessary in order to determine if any specific requirements apply to the listed use.

- A. If no symbol appears in the box at the intersection of the column and row, the land use is not allowed in that district.
- B. Use classifications are listed on the vertical axis and city of Kelso zoning districts are shown on the horizontal axis.
- C. 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 following Table 17.15 in Section 17.15.030.
- D. If a letter appears adjacent to the use classification 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.

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
RESIDENTIAL										
Single-family residence (A, L)	I	I ₁		I ₁	I ₁	I ₁	I ₁	I ₁		
Duplex (L)	I ₂	I ₃		I	I					
Multiple- family dwellings, including rooming and boarding houses, triplexes, fourplexes, condominiums, apartment houses and apartment courts		I		I ₄	I ₄	I ₄	I ₄	I ₄		
Day care family home*	I	I								
Day care mini- center*		I								
Day care— adult*	II	II								
Adult family	II	II		I ₁	I ₁	I ₁	I ₁	I ₁		

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
home										
Expansion and/or reconstruction of a residence	I	I	III							
Mobile home parks and subdivisions (B)		II								
Livestock* (R)	I₁₆									
Accessory apartment* (T)	II									
Temporary manufactured home for aged relative (U)	II									

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. 3846 § 1 (Exh. A), 2015; Ord. 3828 § 4 (Exh. B), 2014; Ord. 3821 § 4 (Exh. B), 2014; Ord. 3799 § 1 (Att. B), 2013; Ord. 3771 § 1 (Exh. A), 2012; 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:

16. Allowed in the RSF-15 zone only.

17.15.040 Regulatory notes.

The following regulatory notes apply to the corresponding uses listed in Table 17.15:

R. Livestock are allowed within the RSF-15 zone subject to the following densities and standards:

1. Horses: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two horses per lot; or
2. Cows: One per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of two cows per lot; or
3. Llamas: Two per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of four llamas per lot; or
4. Sheep: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight sheep per lot; or
5. Goats: Four per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of eight goats per lot; or
6. Chickens: One rooster/six hens per eighty-seven thousand one hundred twenty square feet of lot area to a maximum of one rooster/six hens per lot; or
7. Pigeons: Twelve pigeons per twenty-one thousand seven hundred eighty square feet of lot area to a maximum of twenty-four pigeons per lot;
8. There must be a minimum distance of not less than forty feet between a building for human habitation and a structure housing livestock or poultry;
9. Livestock and poultry shall not be located any closer than one hundred feet from any residential building on an adjacent lot and no less than fifty feet from the property line of an adjacent vacant parcel capable of development. Confined feeding areas or structures to house livestock or poultry shall not be located closer than two hundred feet to any preexisting residence on adjacent properties.