



## CITY OF OTHELLO PLANNING COMMISSION

**Special Meeting  
500 E. Main St.  
August 27, 2019  
6:00 PM**

1. Call to Order - Roll Call
2. Using Commercial Lots to Display Merchandise – Request for Direction
3. Zoning Update Revisions – Recommendation to Council
4. Accessory Dwelling Units – Recommendation to Council
5. Set Date for Next City Council/Planning Commission Study Session on Zoning Updates

**\*\*\* Commissioners: Please Bring Your "Zoning & Comprehensive Plan Update" Books \*\*\***

**Next Regular Meeting is Monday, September 16, 2019 at 6:00 P.M. at Othello City Hall**

City Hall is accessible for persons with disabilities.  
Please let us know if you will need any special accommodations to attend the meeting.

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: August 27, 2019

SUBJECT: Zoning Update Revisions

At the August 19 Planning Commission meeting on the Zoning Update, the Commission discussed a number of issues; however, there was not enough time to cover all of the issues that need further review. The remaining issues to be discussed are summarized in the first part of the staff report, and the Commission's direction on the other issues is summarized in the second part of the report.

### **Staff Comments – Remaining Items**

#### **Zoning Text**

1. For the last meeting, staff had brought up that in 17.30.030 Table 1: Open sales lots/Vehicle sales lots/Containment in a building should be addressed. At the meeting, Jesse Dominguez requested on behalf of Oscar Garza that display of merchandise should be allowed in commercial zones, with sales in a separate location. Staff's previous letter to Mr. Garza on this subject is attached. The Commission should discuss how these types of uses should be regulated in the proposed zoning. More information could be added to each of these uses in the table or a footnote ("Open sales lot in conjunction with a principal use which must be in an enclosed adjoining building") or a more general statement, maybe in 17.30.050, Development Standards ("All uses must be associated with a principal use which must be in an enclosed adjoining building").
2. The development standards for a vehicle sales lot in 17.61 should be referenced in the Vehicle Sales Lot line in the 17.30.030 use table ("in compliance with the development standards in 17.61.060").

#### **Zoning Map**

3. At the study session, it was discussed to retain the existing R-2 Zone along 4<sup>th</sup> Avenue from Fir north to Olympia.
4. It was also discussed that property along Lee Road is prime for industrial development, due to existing utilities including substantial gas and electric facilities, as well as location on a truck route. The need for a buffer between Industrial and Residential was also discussed.
5. An issue which wasn't directly addressed at the study session but that is relevant to the residential zoning discussion is the amount of developable vacant land available in the city. See attached maps of vacant residential land in the city and growth area.
  - A. There is very little vacant residential land inside city limits. From aerial photos and Adams County Map Sifter, staff identified the following:

Location	Zone	Approximate Area	Maximum Development potential
North of Olympia, between 7 <sup>th</sup> & 14 <sup>th</sup>	R-1 R-2	20 acres 50 acres	Current owner plans for ~220 lots
North of Olympia, west of 7 <sup>th</sup>	R-2	20 acres	80 units (single family) to 160 units (duplex)
South of Olympia, west of 2 <sup>nd</sup>	R-3	6 acres	30 lots = 120 units (4-plex)
South of Olympia, east of 2 <sup>nd</sup>	R-2 R-3	0.7 acres 1.3 acres	4 lots = 8 units 6 lots = 18 units
South of Cemetery, east of Wahitis School	R-4	40 acres	600 dwelling units
Scattered lots	R-1 Res-Med R-2 R-4	3 lots 1 lot 3 lots 1 lot	3 dwelling units 1 dwelling unit 6 dwelling units 4 dwelling units

- B. There is a substantial amount of vacant land in the growth area that the city has designated residential, but it requires annexation, extension of streets and utilities, and a property owner willing to convert from agriculture to residential.

#### Staff Comments – Items Discussed August 19, 2019

##### Zoning Text

6. Alley setback for residential. At the study session, it was noted that a building right at the rear property line impacts use of the alley, including by vehicles such as garbage trucks and by utility bucket trucks working in the alley. However on further discussion, it appears the impacts occur when the alley's functional width is reduced below the 20' dedicated width, through vehicles parked in the alley itself (not allowed per OMC 11.08.010), building overhang into the alley (not allowed by code but apparently erroneously allowed by previous staff), and encroachment by fences and unpermitted buildings. The proposed solution is to state the setback as 10' from the centerline of the alley, while clarifying that the building, including any overhang, needs to be on private property and not in the alley.

TABLE 2: DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES						
Development Standards	R-1	R-2	R-3	R-4	R-M	S-1
Rear setback <sup>1</sup> if no alley	5'	5'	5'	5'	5'	5'
Rear setback <sup>1</sup> if abutting alley and garage does not open onto alley	<u>0'</u> setback from property line to nearest portion of building, and 10' minimum from centerline of alley. Building, including any overhang, must be completely on private property.					
Rear setback <sup>1</sup> if abutting alley and	8'	8'	8'	8'	8'	8'

TABLE 2: DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES						
Development Standards	R-1	R-2	R-3	R-4	R-M	S-1
garage opens onto alley						

The Commission also asked for fence requirements abutting alleys to be reviewed. Existing OMC 14.36 is attached for discussion.

7. Minimum apartment size in Commercial. (Note than no minimum was proposed in the new Residential chapter.) The Council directed staff to review regulations in other jurisdictions; however, there is significant variability between jurisdictions. The consensus of the Commission was to remove this standard from zoning and just use building codes.
  8. Timing of landscape installation for single family development. After much discussion, the Commission decided to leave it as previously recommended: Front yard landscaping within one year of occupancy.
  9. Length of time for occupying an RV in an RV park. The Commissioners determined not to have a designated length of stay, but to use language similar to the City of Quincy, which does not allow permanent occupancy or external appurtenances such as carports or decks. See attached revisions to OMC 17.44. The Commission also directed to return this use to requiring a conditional use permit, as it currently is, rather than outright permitted as proposed in the original draft.
10. City Attorney recommendations.
- A. Existing 17.05.060, Unmentioned Uses: City Attorney had recommended changing the responsibility for this section to the Hearing Examiner. After discussion, the Planning Commission recommended to delete this whole section as superseded by the new zoning chapters (17.20, 17.30, and 17.40), which only allow the listed use categories and those found similar.
  - B. Proposed 17.20.030(c) assigns the decision on similar uses to the “Administrator”. City Attorney recommended assigning it to the Hearing Examiner or “**City** Administrator”. After review, Planning Commission recommended the decision stay at the staff level, due to the expense of involving the Hearing Examiner. The Commission also agreed with staff that because 17.20.030(c) references (existing) OMC 19.03.020(b), which states roles and responsibilities of the City Administrator, including administrative interpretation, it is clear that the “administrator” in 17.20.030(c) is the **city** administrator.
  - C. Proposed 17.20.010 is headlined as “Purpose” but the City Attorney felt there was no mention of purpose in the proposed text of 17.20.010. He stated that

the purpose statement is important because per proposed 17.20.030(c), when the Administrator is determining whether a use should be allowed, he is to “refer to the purpose statement in 17.20.010...” The Commission recommends adding the following to 17.20.010:

“The purpose of this chapter is to provide for:

The specific characteristics of residential development that may take place in Othello;

A consistent and compatible land use pattern;

The residential housing needs of Othello residents;

The public safety needs of Othello residents.”

11. Additional changes recommended by staff:

- A. Site-specific rezone. The Planning Commission was in favor of adding a new section, 17.87.030, to the Amendments chapter to clarify the process for site-specific rezones.
- B. OMC 17.92 General Administration and Enforcement. The Planning Commission was in favor of the changes proposed by staff and reviewed by the City Attorney. Most of the changes are to reassign the enforcement provisions to the Code Enforcement Officer instead of the City Planner.
- C. The Commission was in favor or deleting the rest of 17.05.080 (Duty of commission), since there was only one provision left and it didn’t fit well into Chapter 17.05, Interpretation, Purpose, Applicability.

**Zoning Map**

12. The Commission discussed the 7-19-19 request from Terra Gold Farms for zoning changes for parcel #1529030680219, to both decrease the commercial area and increase the residential area, as well as rezone the resulting residential area from R-3 to R-4 to allow a memory care facility. The Commission was in favor of this request, provided a buffer is required between the residential and commercial zoning, alleys are dedicated (see requirements in OMC 16.29.170 and 180, attached), and the Terra Gold office property to the north is rezoned from I-2 to C-3 so it will provide a buffer to the residential property. The Commission should be aware that the Police Chief has raised concerns about expanding residential uses in proximity to industrial sites with anhydrous ammonia.

**Attachments**

- 7-22-19 letter to Oscar Garza regarding sales lot
- Maps: Vacant residential land in city and growth area
- OMC 14.36 Fences, Walls, and Hedges
- OMC 17.44 revisions – Recreational Vehicle Parks

- OMC 16.29.170 and 180, Alleys—Required When and Alleys—Standards

**Action:** The Planning Commission should review each issue and determine how to advise the Council. Based on the progress on addressing these issues, the Commission should determine if they are ready for another joint study session to present their recommendations to the Council.



# The City of Othello

500 East Main Street   OTHELLO, WASHINGTON 99344   Telephone (509) 488-5686  
Fax (509) 488-0102

July 22, 2019

Oscar Garza  
430 S. 16<sup>th</sup> Avenue  
Othello, WA 99344

Re: Use of Parcel #1529030501617 (Lots 17 & 18, Block 16, Original Othello) for shed sales

Dear Oscar:

You asked about using your property on Broadway just south of Main Street for display and sales of pre-manufactured sheds. As we have discussed, this use does not fit well with the existing zoning. Here is what I was able to determine:

1. The site is zoned C-2 Commercial. The proposed use is not listed among the permitted uses, conditional uses, or prohibited uses in the C-2 Zone. However, it is similar to the sale of other large items, so could be allowed if it met standards.
2. In order to develop this site for sales of sheds, the following improvements will be required:
  - a. A sales office to house the business and provide an employee restroom is required. The office and restroom must be ADA accessible.
  - b. Parking for customers and employees is required. At a minimum, there would need to be one space for the employee, one for a customer, and one handicapped accessible space. Depending on the size of the building, more parking may be required. (For example, for a building under 2000 square feet, 4 spaces per 1000 square feet of building area would be required).
  - c. The parking must be hard surfaced and must comply with the Eastern Washington Stormwater Manual. Parking spaces must be striped.
  - d. The location and design of the parking lot entrances and exits must be approved by the Public Works Director. Parking lots may not be accessed via an alley, and parking spaces are not allowed to back directly out onto the street.
  - e. New development requires compliance with the landscape chapter, OMC 14.57. The basic requirement is a 10'-wide street frontage buffer of trees, shrubs, and

- groundcover. Parking lot landscaping is not required unless there are 10 or more parking spaces.
- f. OMC 14.04.080 requires all improvements that would be required by platting, such as sidewalk.
  - g. On-site sales area would need to match the development standards for a vehicle sales lot, which are:
    - i. Hard surface (concrete or asphalt), graded or drained to comply with the Eastern Washington Stormwater Manual;
    - ii. Border barricades to separate the display area from the street and the alley.

You had discussed possibly renting office space at Johnson Glass. This is a possibility, but the site improvements (parking, landscaping, sidewalk, display area) would still be needed. The parking at Johnson Glass is not sufficient to meet the needs of another business, and the other requirements are specific to the site.

Let me know if you have any questions or need more information. I can be reached in person at City Hall, via email at [ahenning@othellowa.gov](mailto:ahenning@othellowa.gov), or by phone at 509-331-2710 (direct) or 509-488-5686 (main City Hall number).

Cordially,

  
Anne Henning  
Community Development Director

cc: Mayor/City Administrator

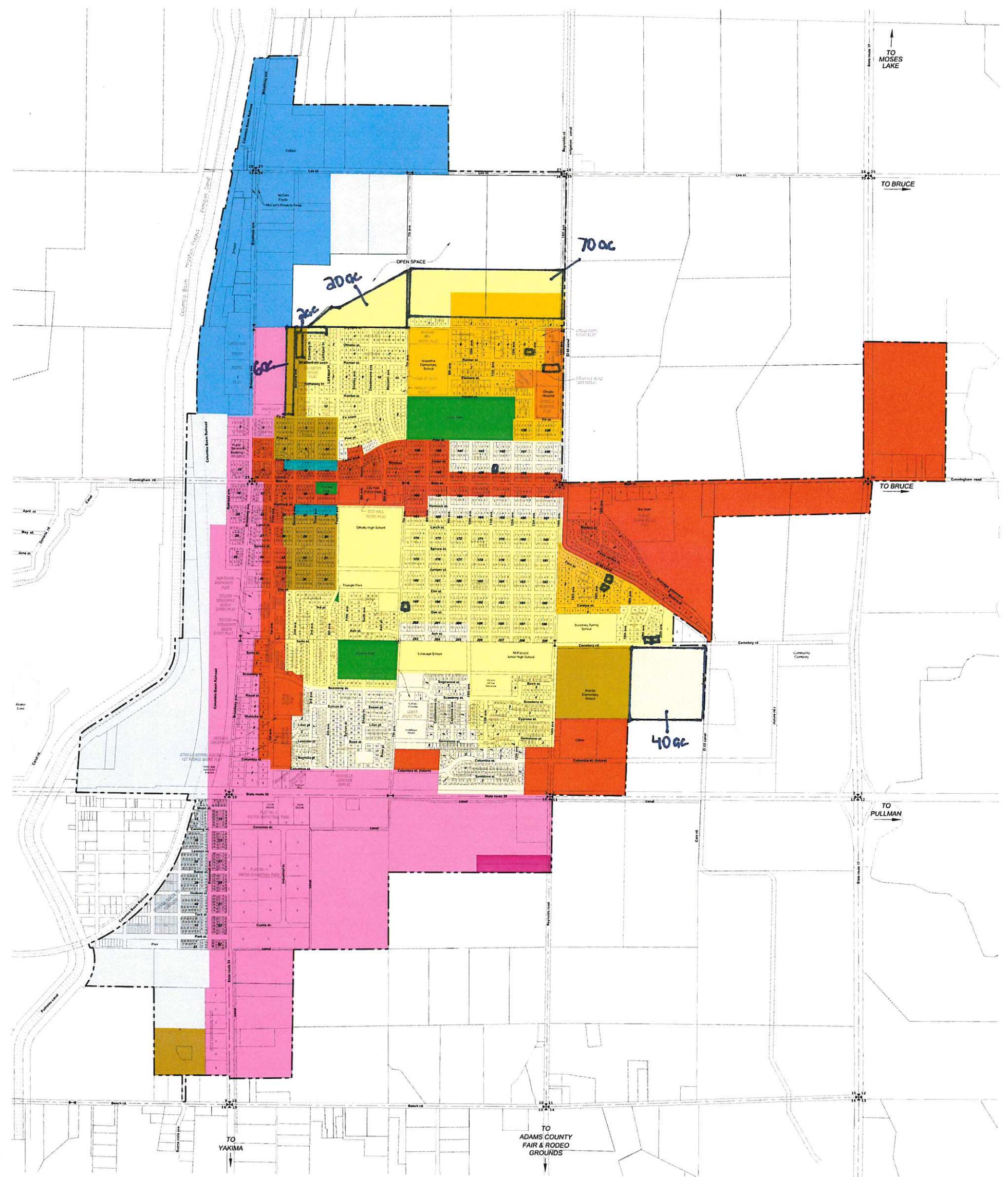
**LEGEND**

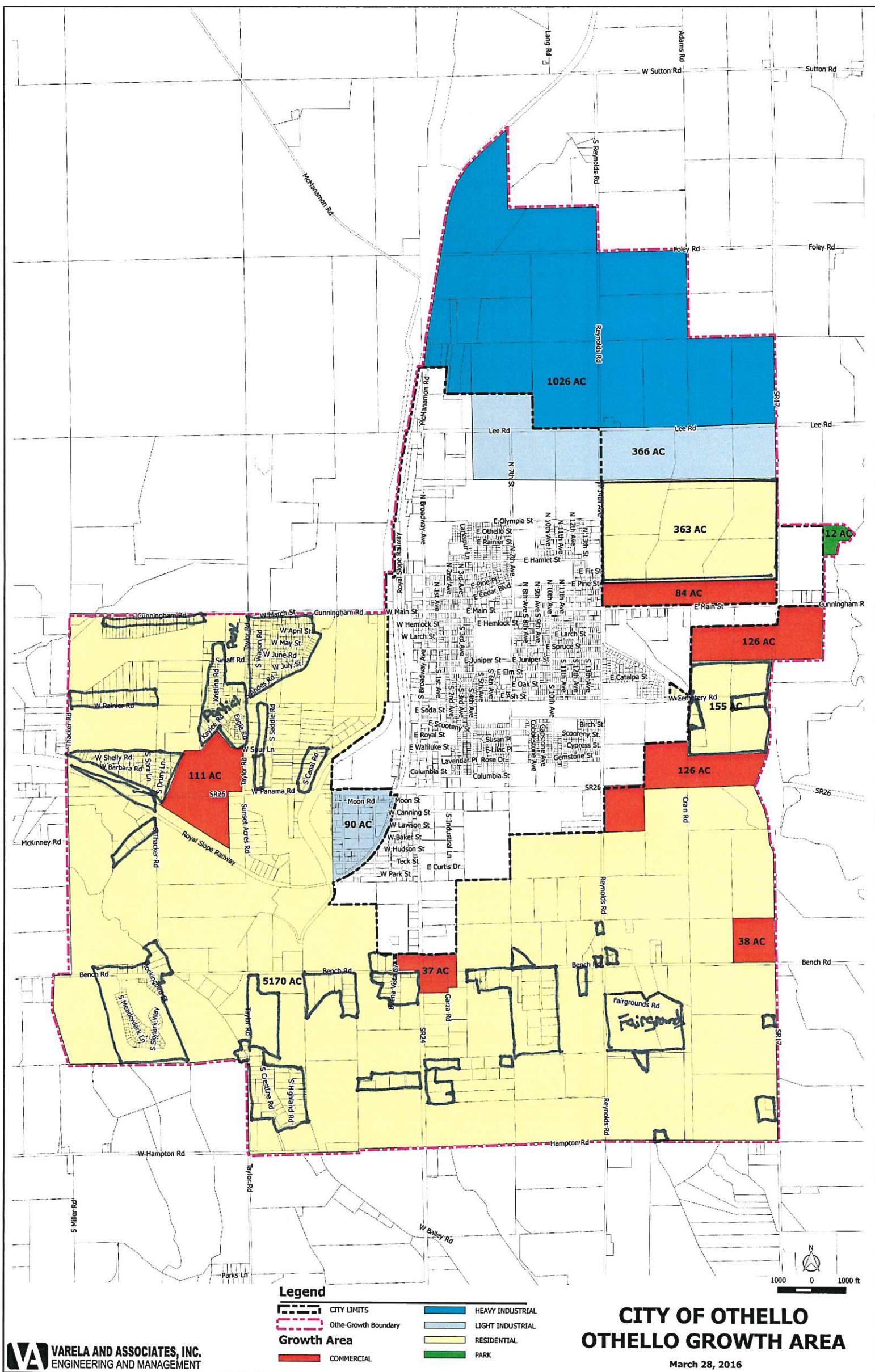
(R-1) RESIDENTIAL DISTRICT ONE	(I-2) INDUSTRIAL DISTRICT TWO
(R-2) RESIDENTIAL DISTRICT TWO	(S-1) SUBURBAN 1
(R-3) RESIDENTIAL DISTRICT THREE	(O.S.) OPEN SPACE
(R-4) RESIDENTIAL DISTRICT FOUR	CITY PARKS
(R-M) RESIDENTIAL-MEDICAL DISTRICT	CITY LIMITS
(C-1B) COMMERCIAL USE DISTRICT ONE B	LOT NUMBER
(C-1) COMMERCIAL USE DISTRICT ONE	BLOCK NUMBER
(C-2) COMMERCIAL USE DISTRICT TWO	PLAT NAME
(I-1) INDUSTRIAL DISTRICT ONE	



# CITY OF OTHELLO ZONING MAP

March 19, 2019





## **Chapter 14.36**

### **FENCES, WALLS AND HEDGES**

Sections:

- 14.36.010 Definitions.
- 14.36.020 Applicability.
- 14.36.030 Restrictions.
- 14.36.040 Construction.
- 14.36.050 Barbed wire fences.
- 14.36.060 Electric fences.
- 14.36.070 Swimming pool fences.
- 14.36.080 Rear yard access.
- 14.36.090 Deviations.
- 14.36.100 Nuisance—Declaration.
- 14.36.110 Nuisance—Abatement.
- 14.36.120 Violation—Penalty.

#### **14.36.010 Definitions.**

As used in this chapter:

- (a) “Corner lot” means a lot or plot of land located at the interior angle of two streets.
- (b) “Fence” means any barrier erected, constructed or placed on a lot or plot of ground and includes hedges, masonry walls and ornamental constructions as well as the commonly known wire, board, metal, wood, wood picket or wood rail fences.
- (c) “Front street” means the street along the shorter platted frontage of a corner lot.
- (d) “Hedge” means any vegetation serving as a fence or barrier including a row of closely planted shrubs, trees, bushes or other vegetation.
- (e) “Height” means the distance measured above the street curb parallel to the fence line. For interior and alley fences, the height is measured above the average grade within five feet of the fence on the high side of the fence. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 1, 1979).

#### **14.36.020 Applicability.**

These regulations shall apply to fences and hedges for residential use. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 2, 1979).

#### **14.36.030 Restrictions.**

The following restrictions shall apply to construction, maintenance, repair or placement of fences and hedges, and no deviation from these requirements shall be made except as provided in Section 14.36.090:

- (a) Corner Lot. A maximum of six feet in height anywhere on a corner lot, except as follows:
  - (1) A maximum of three feet in height where closer than forty-five feet from the point of projected intersections of the street curb face;
  - (2) A maximum of three feet in height where closer than twenty feet from the front street property line (right of way);
  - (3) A maximum of three feet in height where closer than thirteen feet from a point located by projecting the side street curb and the alley right of way.

(b) Interior Lot. A maximum of six feet in height anywhere on an interior lot, provided a maximum of three feet in height where closer than twenty feet from the front property line.

(c) Public Right of Way. Property owners constructing or reconstructing a fence on public right of way shall provide a public sidewalk parallel to the curb for the full length of the lot side per the public works design standards. Wood and chain link fences on public right of way shall be considered licensed by the city with the building permit. Masonry and/or decorative metal fences shall obtain a standard public right-of-way license approved by council. Fences on public right of way will be removed at the adjacent landowner's expense within sixty days of terminating said license. Upon request of removal, the fence shall be considered a public nuisance.

(d) Driver Visibility. Property owners shall not allow a hedge to grow such that a visibility hazard is created for a driver of a vehicle on or entering onto public right of way. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 3, 1979).

**14.36.040 Construction.**

Fences may be constructed of wood, masonry, iron, wire fence or grown as hedges. All construction is to be done in such manner as to leave no sharp or protruding ends, barbs or projections. Fences shall not be made of used materials such as pallets, conveyor chain, tin siding, rusted pipe, vehicle bodies or similar used materials. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 4, 1979).

**14.36.050 Barbed wire fences.**

Fences containing barbed wire shall be prohibited for residential use. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 6, 1979).

**14.36.060 Electric fences.**

Electric fence shall be prohibited. (Ord. 586 § 5, 1979).

**14.36.070 Swimming pool fences.**

A new swimming pool shall receive a certificate of occupancy only after it is enclosed by a fence and/or structure which shall be at least six feet in height as measured from the outside of the fence. This safety barrier shall be a fence not readily climbed by children or a structure that is a barrier to unauthorized entrance. The fence gate shall have a latch not readily operable by small children. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 7, 1979).

**14.36.080 Rear yard access.**

Every fence built along the alley property line or within the required rear yard shall be provided with a gate at least three feet in width so as to provide accessibility to the rear of any lot in case of an emergency. (Ord. 1152 § 1 (part), 2003; Ord. 668 § 2, 1983; Ord. 586 § 8, 1979; Ord. 10 § 5.02, 1951).

**14.36.090 Deviations.**

No deviation may be made from these regulations except with the written approval of the city planning commission, with the right of appeal to the city council. The following criteria shall be established as grounds for deviation from the regulations set forth in this chapter:

(a) Special circumstances applicable to the property in question or to the intended use that do not apply generally to other properties or classes of use in the same vicinity and zoning classifications;

(b) A deviation is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and in zoning classification which because of special circumstances is denied to the property in question;

(c) The granting of a deviation will not be materially detrimental to the public welfare or injurious to other property improvements in such vicinity and zoning classification in which the subject property is located;

(d) That the granting of a deviation will not conflict with the general intent of this chapter. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 9, 1979).

**14.36.100 Nuisance—Declaration.**

All existing fences and new fences hereafter erected in violation of the provisions of this chapter are public nuisances. Such fences are subject to being abated by any means permitted by this code or state law. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 11, 1979).

**14.36.110 Nuisance—Abatement.**

Whenever any fence has become a public nuisance, as herein defined, the building inspector of the city shall notify the owner of record of the premises on which the same is located, or his agent or person having charge or control of said premises, in writing, to obtain a variance, if he can, or to remove or abate such nuisance within sixty days after receiving such notice. The person so notified shall have the right, within the sixty days period to alter the fence so that the same conforms to the requirements of this chapter. If such alteration is so made, no further action will be taken. If the person so notified neglects or refuses to alter, remove or abate such nuisance, the building inspector is authorized to request the city attorney to institute in the name of the city such proceedings as may be necessary, in any court of competent jurisdiction to secure abatement of the same. (Ord. 586 § 12, 1979).

**14.36.120 Violation—Penalty.**

In addition to the remedy of abatement provided herein, any person, firm or corporation who suffers or permits any nuisance as herein defined to exist or remain upon his, their or its premises or under his, their or its control after having been notified by the building inspector to remove or abate the same is deemed to have committed a civil infraction as provided in this code and is subject to a penalty of up to one thousand dollars for each day the violation exists after being declared a nuisance as provided in Section 14.36.110. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 13, 1979).

**Chapter 17.44**  
**RECREATIONAL VEHICLE PARKS**

Sections:

- 17.44.010 Recreational vehicle (RV) park (~~permitted by conditional use in the C-2 district~~).
- 17.44.020 Principal permitted uses.
- 17.44.030 Recreational park development standards.
- 17.44.040 Operational requirements.
- 17.44.050 RV park administration.

**17.44.010 Recreational vehicle (RV) park (~~permitted by conditional use in the C-2 district~~).**

A conditional use permit is required. The ownership of the land must be under one entity (i.e., one person, partnership, firm or corporation). All streets and systems within the boundaries of the park, although served by the municipal system, are maintained by the ownership entity. Application shall be submitted to the city of Othello hearing examiner. In addition to the requirements specified, the application/development plan shall include design specifics of the park, as set forth and required in this section, including, but not limited to, the location and dimensions of each RV lot; the location of each RV stand (so that setbacks, yards and other open spaces and utility connections may be determined); the location of street lighting; the method for drainage and the location of all catchbasins and storm sewers; and the park landscaping plan. (Ord. 971 § 1 (part), 1995: Ord. 948 § 2 (part), 1995).

**17.44.020 Principal permitted uses.**

Principal permitted uses include:

- (1) Recreational vehicles used for temporary dwelling purposes ~~with their customary accessory uses~~;
- (2) Buildings and structures necessary for the operation and maintenance of the park, or providing customary accessory uses of parks, including laundry facilities, office and equipment storage buildings;
- (3) Community recreation facilities, for residents of the park and their guests, including swimming pools;
- (4) Residences for the use of a manager and/or caretaker responsible for maintaining or operating the park which may be either a conventional single-family dwelling or a mobile home;
- (5) Vending machines and similar products and services may be approved by the hearing examiner. (Ord. 948 § 2 (part), 1995).

**17.44.030 Recreational park development standards.**

(a) Minimum Park Size. The minimum area for an RV park shall be one acre.

(b) Public Access. Public access not less than twenty-two feet in width shall be required from the recreational vehicle park to an arterial or collector street. The hearing examiner shall determine on a case-by-case basis whether a secondary access shall be required. Secondary access, if provided, shall enter the public street system at least one hundred fifty feet from the primary access.

(c) Minimum lot requirements:

- (1) Lot area—minimum of one thousand five hundred square feet;
- (2) Lot width—minimum of twenty feet;
- (3) Lot length—minimum of seventy-five feet;
- (4) Minimum Building Setback Requirements.
  - (A) Twenty-five feet from a public right-of-way,

- (B) Fifteen feet from the RV lot line abutting on an interior access street,
  - (C) Fifteen feet from any park boundary (excluding public right-of-way);
- (5) Separation Requirements. No RV shall be located closer than fifteen feet from any other RV unit or permanent park building;
- (6) Occupied Area. Additional lot structures ~~shall be limited to such as~~ storage sheds, patios and decks ~~shall not be allowed; as long as the square footage, including the RV, does not exceed thirty percent of the lot. The owner or occupant shall secure a permit of construction from the Othello building department;~~
- (7) Interior Park Access Ways. Streets, driveways and other access ways within an RV park shall be constructed and maintained by the owner and/or developer of the park in accordance with the standards provided by the public works department. Interior park access ways shall not be dedicated as a public right-of-way unless otherwise approved or required by the city council. Interior park streets shall observe the following minimums:
- (A) No on-street parking: one-way roads, twelve feet; two-way roads, twenty-two feet,
  - (B) One side on-street parking: one-way roads, eighteen feet; two-way roads, twenty-eight feet;
- (8) Parking lanes shall be eight and one-half feet wide where provided;
- (9) Cul-de-sac streets and streets designated to have one end permanently closed ("Y" or "T") should have a minimum turning radius of fifty feet, or an adequate right-of-way to permit ease of turning;
- (10) Parking Requirements. A minimum of one off-street parking space shall be provided adjacent to, or conveniently near, each RV lot. Parking may be in tandem;
- (11) Street Lighting. Adequate street lighting shall be provided to illuminate streets, driveways, walkways and buildings for the safe movement of pedestrians and vehicles and for the safe night time use of such facilities. Installation of all street lighting shall be in accordance with standards provided by the public works department;
- (12) Landscaping, Buffering and Screening.
- (A) RV parks shall be enclosed on all sides with permanently maintained natural or artificial barrier, such as a sight-obscuring wall or continuous buffer of trees or shrubs, not less than six feet in height, except for those sides abutting public rights-of-way. Sides which abut public rights-of-way shall be buffered with a perimeter landscape strip not less than ten feet wide within the required setback. Such landscape strip shall be planted or installed with a permanently maintained natural or artificial barrier not less than four feet in height. If an artificial barrier is installed, the remainder of the landscape strip shall be landscaped with ground cover or other approved landscape treatment, excluding pavement. The hearing examiner may waive all or part of the perimeter landscaping requirements if, due to the nature of the existing topography or other existing conditions, it is unreasonable to require a wall, fence or screen.
  - (B) All open areas of the RV park shall be landscaped. A permanent irrigation system shall be installed and all landscaped areas shall be continually maintained.
  - (C) A specific landscaping plan for the RV park shall be submitted as part of the conditional use permit application. Landscaping material shall conform to, and be installed in accordance with the approved development plan prior to occupancy of any lot;
- (13) Utilities and Other Services.
- (A) The construction and maintenance of all water, sewer, electrical, communication and miscellaneous (television cable, etc.) service lines shall be under the supervision of the department or utility agency having jurisdiction in accordance with all applicable state and local codes, policies and regulations. The

location of all underground utility and service lines shall be indicated by an aboveground sign (or signs) identifying the proximity of the lines to the RV stand to facilitate service connection and to avoid damage to such underground services by the use of ground anchors, installation of skirting, etc. Fire protection, hydrant location, fire equipment access, etc. shall be approved by the local fire chief;

(14) Water Supply and Distribution System. Each RV park shall be connected to the Othello municipal system, with the appropriate backflow preventative device installed, and its supply shall be used exclusively. Individual water service connection shall be provided for each lot;

(15) Sewage Disposal. Connection shall be made to public sewer system;

(16) Electrical Distribution System. Each RV park shall be provided with an electrical distribution system in accordance with the policies and specifications for installation and maintenance of the electrical utility having jurisdiction;

(17) Solid Waste Disposal System. Solid waste collection stands shall be provided for all waste containers in accordance with specifications for design and location as provided by the public works department. Solid waste collection stands, whether individual or grouped, shall be screened from view with appropriate landscaping and/or screening as indicated on the approved landscaping plan;

(18) Signs. Signs identifying the RV park shall be in conformance with applicable sign regulations. RV parks are subject to all applicable building and construction provisions of this code, which include issuance of building permits and authorized inspections of all phases of construction and development.

(d) No building permits shall be issued and no construction of any kind to create, alter or extend any RV park may be initiated until a conditional use permit has been granted by the hearing examiner in accordance with the procedure specified and subject to the applicable regulations and standards set forth in this section.

(e) All RV parks are developed pursuant to a binding site plan as provided in Chapter 16.26 of this code. (Ord. 971 § 1 (part), 1995; Ord. 948 § 2 (part), 1995).

#### **17.44.040 Operational requirements.**

(a) No RV lot may be rented or occupied until a business license for operation of the RV park has been obtained pursuant to Chapter 5.02 4.04. A business license shall not be issued until all required building, fire and health inspections have been conducted.

(b) Construction or development of all of the improvements indicated on the approved development plan shall also be required prior to issuance of a business license; provided however, that the building official may waive this requirement if sufficient need can be shown. A performance bond or other acceptable security shall be required by the building official in order to ensure development as per the conditional use permit, for any improvements that are not completed prior to issuance of the business license. Such improvements shall be completed within a reasonable time, not to exceed six months.

(c) Prior to renewal of the business license, the building official shall inspect the RV park to check continued compliance with all conditions of the conditional use permit and shall submit to the park owner a written report stating whether or not the park is in compliance. The owner must take action to effect compliance with any conditions that are in violation before the business license shall be renewed. A violation of any of the licensing provisions of this section shall be subject to the penalties set forth in Chapter 17.92. (Ord. 948 § 2 (part), 1995).

#### **17.44.050 RV park administration.**

(a) It shall be the responsibility of the park owner and/or manager to assure that the provisions of this section, including installation of RV's ~~and construction of accessory structures on individual lots~~, and additional conditions of the conditional use permit are observed and maintained within the RV park.

(b) The park shall be kept free of any brush, leaves and weeds and all landscaped areas shall be continually maintained.

(c) Failure to comply with any of the requirements for administering a recreational vehicle park shall be a violation subject to penalties set forth in Chapter 17.92. (Ord. 948 § 2 (part), 1995).

(d) No recreational vehicle shall be used as a permanent dwelling for indefinite periods of time. Removal of wheels of a recreational vehicle, except for temporary purposes of repair or replacement, is prohibited.



**16.29.170 Alleys—Required when.**

Alleys shall be provided at the rear of all commercial lots, except that this requirement may be waived upon request by the commission where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed. Alleys are not required for residential lots. Fire lanes may be used in lieu of alleys for schools, industrial and other large parcels for fire suppression services. (Ord. 1255 § 1 (part), 2007: Ord. 1131 § 1, 2002; Ord. 947 § 2 (part), 1995).

**16.29.180 Alleys—Standards.**

Dead-end alleys shall be avoided wherever possible but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end. Alley intersections and sharp changes in direction shall be avoided but, where they are necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Alley right-of-way width shall be not less than twenty-five feet in commercial or industrial zones. Except as otherwise provided in this title, alleys shall follow the general standards governing streets. (Ord. 947 § 2 (part), 1995).

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: August 27, 2019

SUBJECT: Accessory Dwelling Units

At the August 19 Planning Commission meeting, the Commission voted to rescind their July 15 recommendation on an Accessory Dwelling Unit ordinance. The Commission wished to further discuss the ordinance before it was recommended to the Council. The July 15 ordinance is attached for discussion.

**Staff Comments – Remaining Items**

**Attachments**

- 7-15-19 Draft ADU ordinance

**Action:** The Planning Commission should review the ordinance and determine whether to make a recommendation to the City Council.



City of Othello  
Washington  
Ordinance No. XXX

**AN ORDINANCE OF THE CITY OF OTHELLO CREATING A NEW  
CHAPTER 17.63 TITLED “ACCESSORY DWELLING UNITS”**

**THE CITY COUNCIL OF THE CITY OF OTHELLO, WASHINGTON ORDAINS AS  
FOLLOWS:**

***Section 1. Creating.*** Othello Municipal Code Chapter 17.63 titled “Accessory Dwelling Units” is created to provide:

**Chapter 17.63  
ACCESSORY DWELLING UNITS (“ADUs”)**

**17.63.010 Purpose.**

This Chapter provides for accessory dwelling units (“ADUs”) on lots developed or to be developed with single-family dwellings to contribute to the community’s housing stock consistent with the Comprehensive Plan objectives and zoning regulations and to enhance the community’s housing opportunities.

**17.63.020 Applicability.**

An ADU that meets the requirements of this chapter may be allowed in the R-2, R-3, and R-4 Residential Districts. Accessory dwelling units are not allowed in the R-1 Residential District.

**17.63.030 Development standards.**

(a) No more than one ADU per development site is allowed. The ADU must be accessory to a single-family residence, and only one ADU is allowed per single-family residence.

(b) Maximum lot coverage for all buildings on the lot, including the ADU, the single-family house, and any garages, sheds, shops, or other accessory buildings, shall be the same as allowed in the zone or 35% of the lot, whichever is less.

- (c) To promote the visibility and accessibility of the ADU for emergency services providers, the ADU must be connected to a public street with a concrete or asphalt walkway with a minimum four-foot width. The walkway must be kept clear of obstructions.
- (d) The ADU and the primary residence associated with the ADU must conform to Chapter 17.61 off street parking requirements. In addition, two off-street parking spaces shall be provided for the first bedroom of the ADU and one additional on-street or off-street parking space shall be provided for each additional bedroom of the ADU.
- (e) If parking spaces are accessed from an alley, an annual assessment for alley maintenance is required in the amount of \_\_\_\_\_.
- (f) Unless the ADU is entirely contained within the primary residence with which it is associated, the ADU shall have a connection to the public water main in the right-of-way and meters for water, electricity and natural gas utilities that are independent of the water main connection and utility meters for the primary residence.
- (g) The ADU shall have a numerical street address that is distinct from that of its primary residence, which distinction shall be made with whole numbers and not with letters, fractions or other symbols. If the ADU's street address cannot be read by a person standing at the curbside of the street on which it is located, the ADU's street address shall be posted at the street with signage that meets the requirements of emergency services providers.
- (h) Unless specifically provided for otherwise by this chapter, an ADU shall comply with all requirements of applicable zoning codes, building codes, electrical codes, fire codes, and energy codes, including but not limited to the International Residential Code, International Fire Code and the Washington State Energy Code.
- (i) The minimum setback of an ADU from an alley shall be five feet.
- (j) The ADU shall not be sold separately from the primary residence, unless all requirements of a subdivision are met prior to the sale closing.
- (k) An ADU shall comply with all bedroom and living room requirements of the International Property Maintenance Code section 404.4.

#### **17.63.040 Conditions for legalizing pre-existing accessory dwelling units.**

A nonconforming residence in existence prior to (adoption date of this ordinance) may be brought into compliance pursuant to OMC 17.79. A nonconforming residence in existence prior to (adoption date of this ordinance), whether (i) before building permits were required, or (ii) when building permits were required but were not obtained for the residence, may be designated as a legal non-conforming residence by complying with current life safety standards.