



Abundant Land. Bountiful Life.

## CITY OF OTHELLO PLANNING COMMISSION

**Regular Meeting  
500 E. Main St.  
August 20, 2018  
6:00 PM**

1. Call to Order- Roll Call
2. July 16, 2018 Minutes Approval
3. Ochoa Short Plat – Deferral Request – Recommendation to City Council
4. Creating a Local Historic Properties List – Citizen Request
5. Update on OMC Changes
  - a. Sign Regulations
  - b. Off-Street Parking
  - c. Accessory Dwelling Units
6. Draft Residential Zoning – Request for Direction

**\*Next Regular Meeting is Monday September 17, 2018 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.



Abundant Land. Bountiful Life.

Planning Commission

July 16, 2018

Anne Henning

**CALL TO ORDER**

Chair Roger Ensz called the meeting to order at 6:00 pm.

**ROLL CALL**

Commissioners: Chair Roger Ensz, Brian Gentry, Chris Dorow

Absent: Kevin Gilbert

One position vacant

Staff: Community Development Director Anne Henning and City Clerk Rebecca P. Ozuna

Attendees: City Council member John Lallas; Zeke Rodriguez for ADUs

Quorum Established.

**APPROVAL OF JUNE 18TH, 2018 PLANNING COMMISSION MEETING MINUTES**

It was voted to accept the minutes from June 18, 2018 M/S Dorow/Gentry

**APPROVAL OF JUNE 25TH, 2018 PLANNING COMMISSION SPECIAL MEETING MINUTES**

It was voted to accept the minutes from June 25, 2018 M/S Dorow/Gentry

**PUBLIC HEARING ON AMENDING OTHELLO MUNICIPAL CODE CHAPTER 17.61 TITLED "OFF STREET PARKING"**

Chairman Roger Ensz opened the public hearing at 6:03 pm. Commissioners were asked to state whether they had any personal or financial interest in the proposal and whether it would affect their consideration of the proposal. Roger Ensz stated that he builds residences which are required to provide parking but he did not feel that affected how he reviewed the proposed changes to the regulations. Mr. Gentry and Mr. Dorow did not have any personal or financial interest in the proposal. Commissioners were asked whether they had any communications on the proposal. No communications. Opportunity was provided to object to any Commissioners participating; no objections.

Ms. Henning summarized the proposed major changes to the parking chapter:

- Clarifying when the chapter is triggered
- Allowing parking to be gravel when the street providing access is gravel
- Increasing parking space size from 8.5' x 18' to 9' x 20', and clarifying this size also applies to parking within a garage
- Prohibiting backing out onto a street, except for single family and duplex dwellings
- Clarifying that minimum required parking for new residences must be concrete or asphalt
- Allowing a residence to provide a carport instead of a garage
- Increasing the parking for schools from 1 space per 12 seats in an auditorium to 1 space per 6 seats
- Adding a student parking requirement for a high school (1 space per 6 students)
- Changing the requirement for retail and service from square footage of total parking lot to number of parking spaces. The calculation per square foot is a sliding scale, with a little more

parking per square foot required for small stores (which will not have many parking spaces required) to a little less per square foot for larger stores (which will provide a lot more total parking spaces and also probably have more open area within the store)

- Changing the requirement for restaurants, taverns, and bars from a requirement per seat to a requirement per square footage (since the number of chairs can easily be changed)
- Changing the decision-maker from the Planning Commission to staff for alterations and joint use agreements
- Changing the decision-maker from the building official to community development director for uses not specified
- Changing the decision-maker from the Planning Commission to public works director for parking lot entrances and exits
- Clarifying that hard surfacing is required for parking areas and that they must comply with the Eastern Washington Stormwater Manual
- Requiring lines to be striped in parking lots
- Setting minimum aisle widths in parking lots
- Updating the language for handicapped accessibility

The hearing was opened to public testimony. No testimony was provided.

The Commissioners discussed the prohibition against backing out onto a street, except for single family and duplex dwellings (17.61.010(e)). They felt this would not be a problem even for triplexes and fourplexes so asked to have that section modified.

The public hearing was closed at 6:24pm.

**Action:** Mr. Dorow moved to recommend to City Council the amendments to OMC 17.61, Off-Street Parking, with the change as discussed. Seconded by Mr. Gentry. Passed unanimously.

**PUBLIC HEARING ON CREATING OTHELLO MUNICIPAL CODE CHAPTER 17.63 TITLED “ACCESSORY DWELLING UNITS”**

Chairman Roger Ensz opened the public hearing 6:27 pm. Commissioners were asked to state whether they had any personal or financial interest in the proposal and whether it would affect their consideration of the proposal. Roger Ensz stated that he may consider building accessory dwelling units in the future but he has no plans to build such units currently. He did not feel that affected how he reviewed the proposed regulations. Mr. Gentry and Mr. Dorow did not have any personal or financial interest in the proposal. Commissioners were asked whether they had any communications on the proposal. Mr. Dorow stated he has discussed the issue with a wide variety of people, trying to understand the feelings of the community on this issue. Mr. Ensz and Mr. Gentry had no communications. Opportunity was provided to object to any Commissioners participating in the hearing; no objections.

Many cities in Washington and elsewhere have a process to allow “accessory dwelling units”, a secondary unit on the same lot as a single family dwelling. While units like this exist in Othello currently, they are not allowed by the zoning, other than through a conditional use permit process for the rental of an apartment appurtenant to a single family residence in the R-2 and R-4 Zones. The intent of creating an ordinance is to provide a process to create new ADUs that meet standards in the ordinance for parking, access, lot coverage, and utility connections. Benefits of ADUs include: Housing can be more affordable, land and existing infrastructure can be used more efficiently, and possibly better upkeep of

properties (if landowners can rent out a unit, they will have more money available for maintenance). After the initial work by the Planning Commission, the draft ordinance was reviewed by Planning, Building, Code Enforcement, Fire, and Ambulance staff, and modifications were made to address their concerns, including access via a sidewalk rather than a driveway (which could be obstructed by vehicles and prevent access by a gurney). Fire and Ambulance staff disagreed about the best method for assigning addresses, with Fire in favor of whole number addresses and Ambulance preferring A&B to show there was a secondary unit. Agency consensus was that whole number addresses would be best.

The public hearing was opened to public testimony. John Lallas, City Council member but speaking as a private citizen, stated that there should be a minimum lot size of 10,000 square feet. He had concerns about setbacks and parking. Commissioners explained they considered a minimum lot size but concluded that the existing lot coverage requirement of 35% was sufficient to address concerns about retaining enough open space on the lot. Setbacks would not be modified for these units, they would comply with the existing setbacks of the zone. Two parking spaces would be required for each dwelling unit, for a total of 4 on the lot. Separate water and electrical connections would be required so that non-payment of bills could be addressed with each unit separately without affecting the other. Mr. Lallas concluded that the Commission had put a lot of thought into the proposal.

There was no other public testimony.

Mr. Dorow stated that he felt that in the R-2 Zone, there should be a requirement that the property owner live onsite. He felt this would lead to better upkeep of the property. Mr. Gentry disagreed and stated that he owns several rentals and he hires a service to maintain those units, so the landscaping looks better than his own home. Mr. Dorow stated he had reviewed other codes and found that most require owner occupancy. Ms. Henning pointed out that many jurisdictions allow these units in single family zones, which is different than allowing them in a zone that already allows two-family units, and that there are jurisdictions considering removing the owner occupancy requirement because they are not seeing as many of these units developed as they would like.

The public hearing was closed at 6:50 pm.

**Action:** Mr. Gentry made a motion to recommend to City Council to create Othello Municipal Code chapter 17.63, Accessory Dwelling Units. Seconded by Mr. Ensz. Motion passed 2 to 1 with Mr. Dorow opposed.

#### **CREATE HISTORIC PROPERTIES LIST – CITIZEN REQUEST**

Jenn Stevenson of the Old Hotel Art Gallery submitted a request to have the Planning Commission adopt a local list of historic properties. After she made the request, the School Board scheduled a special meeting at the same time as the Planning Commission meeting so she was unable to attend. Motion to table the item to the next meeting. M/S Dorow/Gentry

#### **ADJOURNMENT**

Having no other business, the meeting was adjourned at 7:09 pm. Next scheduled meeting is August 20th, 2018.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Anne Henning, Community Development Director

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: August 20, 2018

SUBJECT: Ochoa Short Plat – Deferral Request – Recommendation to City Council

Avista Utilities applied for a 3-lot short plat at the corner of Lee Road and 7<sup>th</sup> Avenue. Because there will not be development at this time, Avista has requested to defer the street and utility improvements required as part of the platting process. OMC 16.40 sets up a process for deferral of improvements, including a recommendation by Planning Commission and approval by City Council.

#### **Staff Comments**

1. The Commission is reviewing only the deferral request. The short plat itself is reviewed administratively.
2. No development is proposed at this time. The purpose of the short plat is to create a lot where Avista can build a substation in the future. The property owner plans to keep the other two lots in agriculture until it makes sense to develop them.
3. Street and utility improvements are not needed until the property is developed. As part of approving a deferral, the City can attach a covenant to the property so that the improvements can be required in the future when the property is developed, or when the surrounding area is developed, triggering the need for the improvements.
4. Note that OMC 16.40 requires specific findings about the nature of the site or the area that justify granting the deferral.

#### **Attachments**

- OMC 16.40
- Preliminary Ochoa Short Plat
- Deferral request letter from Todd McLaughlin of Avista

**Staff Recommendation:** Staff recommends that the request to defer street and utility improvements be granted, with the condition that a covenant be attached to the property, requiring property owner participation in the cost of installing the improvements in the future.

**Action:** The Planning Commission should discuss the deferral request and make a recommendation to City Council to approve or deny the deferral request. If the Commission recommends deferring the improvements, a covenant should be attached to the property to guarantee the improvements in the future. The Commission should make findings of fact to support the recommendation.

## Chapter 16.40

### WAIVERS, DEVIATIONS AND DEFERRALS

Sections:

#### **16.40.010 Waivers, deviations and deferrals.**

##### **16.40.010 Waivers, deviations and deferrals.**

There is established a procedure for granting waivers, deviations and deferrals of the regulations contained in this title, as follows:

- (a) Any subdivider can make application to the planning commission for a waiver of, deviation from or deferral of any provision contained in this title, provided the request is received concurrently with the proposed subdivision or dedication. Such application shall include any and all details necessary to support the application. All waiver, deviation and deferral requests must be forwarded to the city council with the preliminary plat and with the planning commission's findings, conclusions and recommendations.
- (b) The planning commission shall not grant a waiver, deviation or deferral of the subdivision regulations unless it shall find that the following condition exists in each case of a request:
  - (1) Where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of unusual physical conditions, the strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider, the planning commission may waive, defer or deviate from the requirements set forth in this title.
  - (2) In granting waivers, deviations and deferrals, the planning commission may require such conditions as will secure, insofar as practicable, the objectives of the requirement waived or deferred. Any waiver, deviation or deferral authorized shall be entered in the minutes of the planning commission together with the circumstances that justify the waiver, deviation or deferral granted.
- (c) If a short plat has not been approved as final within six months after the waiver, deferral or deviation is granted, that waiver, deferral or deviation shall become null and void. (Ord. 1270 § 1 (part), 2008: Ord. 947 § 2 (part), 1995).





RECEIVED BY

To: Anne Henning, Community Development Director  
City of Othello, WA

AUG 10 2018

Date: 08/01/2018

OTHELLO BUILDING & PLANNING

Re: Request for a deferral from the Street, Utility, and Lighting Requirements

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Ms. Henning,

Avista Corp has drafted a Preliminary Short Plat for a 20.1 acre parcel located west of the Lee Rd. and 7<sup>th</sup> Ave. intersection. The short plat consists of three (3) lots: Lot 1 – 10 acres, Lot 2 – 4.27 acres, Lot 3 – 5.83 acres. Per City of Othello Municipal Code 16.11.030(a)(1)&(2), the following improvements must be made to city standards: Streets, Utilities, and Lights.

Avista Corp is requesting a deferral from the Street, Utilities, and Lighting requirements until requested by the city that the improvements are necessary. This deferral request meets the condition outlined in the City of Othello Municipal Code Chapter 16.40.010(b)(1)\*. The nature and use of the adjoining parcels are currently agriculture and would not conform to the required improvements.

Thank you for your consideration, please contact me with any concerns and/or comments.

Todd McLaughlin  
Environmental and Cultural Resource Compliance  
PO Box 3727 MSC-21  
Spokane, WA 99220-3727  
(P) 509-495-2559  
(C) 509-979-7420  
[todd.mclaughlin@avistacorp.com](mailto:todd.mclaughlin@avistacorp.com)

\* 16.40.010 – Waivers, deviations, and deferrals

(b) The planning commission shall not grant a waiver, deviation or deferral of the subdivision regulations unless it shall find that the following condition exists in each case of a request:  
(1) Where, because of the size of the tract to be subdivided, its topography, **the condition or nature of adjoining areas**, or the existence of unusual physical conditions, the strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider, the planning commission may waive, defer or deviate from the requirements set forth in this title.

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: August 20, 2018

SUBJECT: Historic Properties List

Jenn Stevenson of the Old Hotel Art Gallery has requested that the Planning Commission consider and adopt a list of local historic properties. Having a local list should assist her in acquiring grants.

**Staff Comments**

1. The attached documents were provided by Ms. Stevenson last month but have been edited to address the Planning Commission's comments. She agrees with the Planning Commission's suggestion to increase the age requirement to 50 years. She recommends that there be no development restrictions associated with being on the list.

**Attachments**

- Proposed criteria
- Draft list of historic properties

**Action:** The Planning Commission should discuss the request and determine how to proceed.

## *Historical Register of Othello*

### **Goals:**

Have a list of homes, commercial & other properties that are historical. Do not limit what can or cannot be done to these properties – hopefully the owners will want to preserve them and retain the historical significance and be listed on other registers (state & national). By being on the local register we do not want to place limitations on owners.

### **Criteria:**

Over 50 years old  
Some type of significance to community

### **How to be listed:**

Accepted list proposed to begin.  
Petition planning committee to be included by showing proof of older than 50 years & explain some type of community significance.

# Possible Historic Property Listings for Othello

The Old Hotel	1912	333E Larch	Patty's Second Hand Store	1953
Othello Community Museum	1908/1913	3 <sup>rd</sup> & Larch	CHS Bean Plant	1950s
Taunton School House	1920s?	2 <sup>nd</sup> & Spruce	Boersma Storage	1954
Brunswick	1906 or 1908	28E Main		
Ironworks	?	335S Broadway	Road master's Office	1907
Morgan home	1915	331E Pine	Brown house	1920?
Cantu home/school	1910?	On Pine	Old Donnelley house	1920s
Othello High School	1955	340S 7 <sup>th</sup> Ave	Doc Patterson's office	1950s
Lutacaga Elementary	1953	795S 7 <sup>th</sup>	Pizza Factory & Mall	1955
Hiawatha Elementary	1954	506N 7 <sup>th</sup>	Simmons Chiropractic	1940s
Benavidez Café	1910?	32E Main	ReMax	1940s
Caylor Honey	1940?	44E Main	Franco Camarillo Ins	1940s
Broadway Video	1958	13N Broadway	Head's Gallery	1954
Cedar Street Houses	1910s	Cedar between 1 <sup>st</sup> & 4 <sup>th</sup>	Hemlock houses	1920s
Othello Library	1956?	101E Main		
Adams County Development	1940s	121E Main		
Othello Senior Center	1960?	755N 7 <sup>th</sup>		
Bureau of Reclamation	1949	7 <sup>th</sup> & Main		
Bureau Housing	1949?	Main between 8 <sup>th</sup> & 10 <sup>th</sup>		
Othello Community Hospital	1950s	315N 14th		
McCain	1960s	500E Lee		
Simplot	1950s	1401N Broadway		
Othello Public Works	1950s	111N Broadway		
Birk's Refrigeration	1920s	136S Broadway		
Rica's Fruitaleta	1950s	96S 1st		
Bear's Den	1950s	36S 1st		
Kelley Bean	1954	690S Broadway		
Les Schwab	1952	315S Broadway		
Columbia Physical Therapy	1952	116S 1st		
Othello Outlook	1950s	125S 1 <sup>st</sup>		
Century Link	1940			
Eagle's Lodge	1949	127E Larch		
Othello Community Hall		4 <sup>th</sup> & Larch		

*The standard of over 50 years and significance to the community was used as criteria.*

Assembled by Ken & Barb Caylor & Eric & LuAnn Morgan  
from the Othello Community Museum & Jenn Stevenson from  
The Old Hotel Art Gallery.

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: August 20, 2018

SUBJECT: Municipal Code Update - Residential Zones – Request for Direction

As part of the overhaul of the Zoning Code, the Residential Zones need to be reviewed. Similar to the changes made to the Commercial Zones, staff has created a draft that addresses all Residential Zones in one chapter, with tables showing the different standards in different zones, to reduce duplication and make the code easier to use.

#### **Staff Comments**

1. The draft is still rough at this point, since much of the existing language was copied in to the new chapter without changes. There are multiple inconsistencies and oddities. Once the Commission has provided some direction, staff will work on refining the language.

#### **Attachments**

- August 20, 2018 Draft OMC 17.20, Residential Zones

**Action:** The Planning Commission should review the attached draft and provide direction to staff.

## **Chapter 17.30 RESIDENTIAL ZONES**

Sections:

- 17.30.010 Purpose.
- 17.30.020 Additional Requirements.
- 17.30.030 Uses.
- 17.30.040 Prohibited.
- 17.30.050 Development Standards.
- 17.30.060 Performance Standards.
- 17.30.070 Performance Standards for Residential Structures.
- 17.30.080 Street Frontage Required.
- 17.30.090 Construction Code Requirements.
- 17.30.100 Fences and Walls.
- 17.30.110 Stormwater and Drainage.

**17.30.010 Purpose.**

- (a) Generally. This chapter provides for ...
- (b) R-1 Residential Zone. The R-1 Zone...
- (c) R-2 Zone. The R-2 Zone ...
- (d) R-3 Zone. The R-3 Zone ...
- (e) R-4 Zone. The R-4 Zone...
- (f) Residential-Medical Zone...
- (g) S-1 Suburban Zone. The S-1 Zone is suitable for residential use on land parcels of one to five acres, which is, or will become, a single-family living area. Uses are limited to residential uses. Animals, livestock and crops, primarily for the personal use of occupants of dwellings are permitted in accordance with the standards relative to the land area required to protect public health and welfare.

**17.30.020 Additional Requirements.**

Additional requirements are found in other chapters of the Municipal Code and other adopted City regulations, included but not limited to the following:

- (a) OMC 17.05, Interpretation, Purpose, Applicability
- (b) OMC 17.56, General Provisions
- (c) OMC 17.61, Off-Street Parking
- (d) OMC 17.65, Building Permits
- (e) OMC 14.57, Landscaping
- (f) City of Othello Public Works Standards
- (g) Others? Home Occupations, Accessory buildings, Fences, 17.67 Use Review Standards

**17.30.030 Uses.**

- (a) The Residential Land Use table indicates where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Only residential zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in (c), below. Further

interpretation of these zones may be obtained as specified in OMC 19.03.020. Land uses are also subject to the footnotes following the table.

(b) The symbols used in the table represent the following:

- (1) A = Allowed, subject to applicable standards and any footnotes
- (2) C = Conditionally allowed through the Conditional Use Permit process, subject to applicable standards and any footnotes
- (3) X = Prohibited use

(c) Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation process in OMC 19.03.020(b). In determining whether a use should be permitted, the Administrator shall refer to the purpose statement in OMC 17.20.010 and the most recent version of the North American Industry Classification System (NAICS), as used by federal agencies in the classification of business establishments.

(d) Procedural requirements for permits are described in OMC Title 19, Development Code.

**TABLE 1: LAND USES IN RESIDENTIAL ZONES**

USE CATEGORIES	R-1	R-2	R-3	R-4	R-M	S-1
<b>Residential</b>						
One family dwelling (site-built, manufactured, or modular) (one dwelling per lot)	A	A	A (no more than 1 story per 17.22.010 (a)(1))	A	A	A
Zero lot line construction (two lots, two homes)	A	A	A	A	A	A
Single family attached dwellings, with one dwelling unit per lot (town house/row house/zero lot line development)						
Condominium in compliance with OMC 17.54, Planned Development District Overlay	A	A	A	A	A	A
Two-family dwellings (Units shall be completely separated by a one-hour fire wall and shall not be offered for rental on a shorter than month-to-month basis)	X	A	A	A (1-hr fire wall not required)	X	A
Triplex or fourplex dwellings which shall not be offered for rental on a shorter than month-to-month basis	X	X	A	A	X	A
Multi-family dwellings larger than 4 units, which shall not be offered for rental on shorter than a month-to-month basis	X	X	C	A	X	X
Rental of an apartment appurtenant to a single-family residence	X	C		C		
<b>Commercial<sup>1</sup></b>						
Adult Family Home licensed by the State	A	A	A	A	A	A
Art gallery			C	A		
Boardinghouse, bed and breakfast, group home, bunk house, hostel, dormitory, licensed care facility, resort, timeshare condominium, lodging house (Provided no more than 50% of available accommodations, whether rooms or beds, in any			C	A		

TABLE 1: LAND USES IN RESIDENTIAL ZONES						
USE CATEGORIES	R-1	R-2	R-3	R-4	R-M	S-1
of these residential uses shall be occupied on a rental term of monthly or longer at any time)						
Clinic, including medical, dental, chiropractic, holistic, or physical therapy, and supporting medical facilities	X	X	X	X	A	X
Day care for more than 12 children, in the home of the care provider and licensed by the State <sup>2</sup>	C	C	C	C	C	C
Family Day Care Home licensed by the State <sup>3</sup>	A	A	A	A	A	A
Golf Course	C			C		
Golf Course, including food service as an incidental use		C				
Mini golf course, including food service as an incidental use <sup>4</sup>		C				
Home Occupations in compliance with OMC 17.59	A	A	A	A	A	A
Library			C	A		
Medical-related commercial vendor	X	X	X	X	A	X
Museum			C	A		
Nursing home, convalescent home, rest home, or similar residential/medical use and its support facilities					A	
Nursing home, convalescent home, rest home, clinic, hospital, sanitarium, except those for inebriates, the insane, or those suffering from mental diseases (Must prove to Hearing Examiner that use will not be detrimental to adjacent and surrounding property; subject to the regulations of the department of health)				C		
Office of physician, dentist, or other licensed health care professional when located in his/her dwelling, which office shall not constitute the principal use of the premises nor occupy more than 30% of the useable floor space of the dwelling			C	A		
<b>Public and Institutional</b>						
Churches	PC/CC =CUP?					
Municipal buildings or structures	PC/CC =CUP?					
Parks and playgrounds, including park buildings	C		A		C	A
Public hospital	X	X	X	X	A	X
Schools, public or private	PC/CC =CUP?					
<b>Agricultural</b>						
Fruit raising, agricultural nurseries, agricultural products, and vineyards, primarily for personal use of the occupants of the dwelling						A
Gardening or fruit raising on vacant property, when maintained in a neat, orderly, and clean condition such that it does not constitute any sort of nuisance	A	A	A	A	A	A

<b>TABLE 1: LAND USES IN RESIDENTIAL ZONES</b>						
<b>USE CATEGORIES</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-M</b>	<b>S-1</b>
Keeping of animals and/or livestock <sup>5</sup>						A
Nurseries and greenhouses				X		
<b>Miscellaneous</b>						
Private club or fraternity, not including those that furnish alcohol nor those whose chief activity is a service customarily carried on as a business			C	A		

Notes for Table 1:

<sup>1</sup> All commercial uses shall require a city business license and any applicable state licenses.

<sup>2</sup> Day care facilities shall be in compliance with the following requirements:

- (a) Outdoor play areas shall not be located in the front yard.
- (b) One on-site parking space is required for each employee, in addition to required resident parking.
- (c) An on-site, off-street loading and unloading area shall be provided.
- (d) Signage shall not be allowed.
- (e) No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be allowed.
- (f) The structure shall be in compliance with zoning and building code requirements.
- (g) Adjacent property owners shall be notified of an application for a day care facility prior to obtaining a license from the State.
- (h) The Hearing Examiner may impose conditions to mitigate any potential adverse impacts on the surrounding area.

<sup>3</sup> Before approval of a Family Day Care Home, the operator must provide written proof that prior to state licensing, written notification was provided to the immediately adjacent property owners of the intent to locate and maintain such a facility.

<sup>4</sup> Minimum requirements for a mini golf course:

- (a) Noise. Decibel level shall not exceed eighty-five.
- (b) Light/glare. Outside light shall be directed inward toward play area and shielded to prevent light from impacting neighbors.
- (c) Parking. One space shall be provided for every three players and be in conformance with OMC 17.61.
- (d) Hours. Operating hours shall not exceed 9 AM to 10 PM.
- (e) Density. Mini golf courses shall not be allowed within a radius of one mile of each other.
- (f) Buffer. Adequate buffer, netting, or other provisions shall be provided to protect adjacent residential properties.

<sup>5</sup> Animals and/or livestock are allowed in the S-1 Zone as follows:

- (a) Not to exceed 15 fowl and not to exceed 15 rabbits or guinea pigs. Guinea fowl or pea fowl are not permitted; provided, that no such livestock shall be maintained closer than 25' to any dwelling now existing or hereafter erected;
- (b) Not to exceed 1 horse, 1 mule, 1 cow, 2 goats, or 2 sheep for every 21,780 square feet of area of the parcel of land upon which the same are kept; provided, that no such livestock shall be maintained closer than 100' to any dwelling now existing or hereafter erected;
- (c) Not to exceed 3 cats or dogs or similar household pets, exclusive of animals under 6 months of age.

<sup>6</sup> placeholder

<sup>7</sup> placeholder

### **17.30.040 Prohibited.**

The following are prohibited in all Residential Zones:

- (a) Mobile homes, defined as factory built residential structures constructed prior to June 15, 1976 and not in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974;
- (b) Commercial activities not otherwise specifically permitted;
- (c) Garages or other accessory structures on a lot without a residence.

**17.30.050 Development Standards.**

(a) Purpose. This section established the development standards and site requirements for uses in the Residential Zones. The standards and rules are established to provide flexibility in project design, prevent fire danger, provide adequate access and circulation, reduce incompatibilities, and prevent overloading of infrastructure due to the impacts of development.

(b) Explanation of Table. Development standards are listed down the left column of the table and the Residential Zones are identified across the top row. The matrix cells contain the requirements of each zone. The footnotes identify particular requirements applicable to a specific use, standard, or zone. "NR" stands for "No Requirement".

TABLE 2: DEVELOPMENT STANDARDS IN COMMERCIAL ZONES						
Development Standards	R-1	R-2	R-3	R-4	R-M	S-1
Maximum building height	28' or 2 stories (municipal bldgs may exceed)	28' or 2 stories (municipal bldgs may exceed)	28' or 2 stories (municipal bldgs may exceed)	28' or 2 stories (municipal bldgs may exceed)	28' or 2 stories	28' or 2 stories (municipal bldgs may exceed)
Maximum building height for hospitals, clinics, and medically-related buildings	n/a	n/a	n/a	n/a	60' or 3 stories	n/a
Front street setback for primary structure	20' (or more if 25% of developed lots in the block on that side of the street have a larger setback)	20' (or more if 25% of developed lots in the block on that side of the street have a larger setback)	20' (or more if 25% of developed lots in the block on that side of the street have a larger setback)	20'	20' (or more if 25% of developed lots in the block on that side of the street have a larger setback)	20' (or more if 25% of developed lots in the block on that side of the street have a larger setback)
Front setback for accessory structures	60'		60'			No closer to the street than the dwelling unit
Side street setback for a corner lot	20'	20' if house faces the front street. 15' if house faces the side street (see 17.21.030)	? ("side yard requirements same as R-1, 10' total w/5' minimum")	20'		20'
Interior Side setback (not applicable to zero lot line construction)	5' and not less than 1/5 the height of the building	5' and not less than 1/5 the height of the building	5' ("same as R-1, 10' total with 5' minimum")	5' and not less than 1/5 the height of the building		5' and not less than 1/5 the height of the building
Side street setback for accessory	20'					20'

**TABLE 2: DEVELOPMENT STANDARDS IN COMMERCIAL ZONES**

Development Standards	R-1	R-2	R-3	R-4	R-M	S-1
structures						
Rear setback	5', except no setback required if there is an alley unless the garage opens onto the alley	5', except no setback required if there is an alley unless the garage opens onto the alley	5', except no setback required if there is an alley unless the garage opens onto the alley	5', except no setback required if there is an alley unless the garage opens onto the alley		5', except no setback required if there is an alley unless the garage opens onto the alley
Rear setback if no alley	5'	5'	5'	5'		5'
Rear setback if alley and garage does not open onto alley	0'	0'	0'	0'		0'
Rear setback if alley and garage opens onto alley	?	?	?	?		?
Minimum lot size for single family dwelling (unless the lot was a legally-created lot prior to July 20, 1995)	7200 square feet	7200 square feet	7200 square feet	6000 square feet	7200 sq ft New lots shall be no less than 40,000 sq ft	1 acre
Minimum lot size for two-family dwelling	n/a	7000 square feet	7200 square feet ("same as R-1, 7200 SF")	6000 square feet		
Minimum lot size for 3 or 4- family dwelling	n/a	n/a	7200 square feet	Per family: 900 SF site area + 300 SF landscaping + parking		
Maximum lot size						5 acres
Maximum lot area covered by buildings	35%	35%	35%	35%	50% for medical uses. Not specified for Single Family. 17.19.050(b)	35%
Minimum roof pitch	3:12					
Minimum width at the narrowest side of the rectangle formed by the structure as a whole	24'					
Minimum number of parking spaces	2	2 ("All dwellings...shall		2/dwelling? (See		

TABLE 2: DEVELOPMENT STANDARDS IN COMMERCIAL ZONES						
Development Standards	R-1	R-2	R-3	R-4	R-M	S-1
inside a garage		provide at least 2 covered parking spaces inside a garage" 17.21.010(d)(9)		17.23.010 (d)(9)		
Minimum dwelling unit size	1000 sq ft					960 sq ft

Setback notes:

Within the setback area shown on Table 2, no building or structure (as defined in Sections 17.09.140 and 17.09.836) shall be allowed except flagpoles, street furniture, transit shelters, signage, fencing, slope stability structures, and improvements less than 30 inches above grade, including decks, patios, walks, and driveways. Some of these structures and improvements require a permit.

The setbacks shown in Table 2 are Zoning setbacks. Larger setbacks may be required by the State Building Code, Fire Code, sight distance requirements, or landscaping requirements.

In the R-M Zone, setbacks for hospitals, medical clinics, nursing homes, etc. shall be as approved by the Planning Commission. Buffering. See 19.19.040.

#### 17.30.060 Performance Standards.

Uses within the Residential zones shall not inflict upon adjacent property smoke, dust, dirt, glare, odors, steam, vibration, electrical interference, or excessive hazard. Noise in the residential zones shall not exceed the standards set forth in OMC 5.38.

#### 17.03.070 Performance Standards for Residential Structures.

- (a) All dwellings shall be placed on a permanent foundation. For manufactured homes, the foundation shall be per the manufacturer's specifications or per the building code, and in addition a continuous perimeter concrete foundation per the buiding code must be installed, regardless if it is necessary for the structural integrity of the dwelling.
- (b) All dwellings shall be permanently connected to city utilities.
- (c) All dwellings shall be in compliance with the Washington State Energy Code.
- (d) All dwellings shall be in compliance with any regulations on radon detection and abatement.
- (e) All dwellings shall have exterior siding similar in appearance to siding materials commonly used on site-built single family residences.
- (f) All dwellings shall have roof materials of composition or wood shake or shingle, coated metal, or similar, with a pitch of not less than 3:12.
- (g) A residential structure shall not be less than 24' in width, measured at the narrowest side of the rectangle formed by the structure as a whole.
- (h) No home structure shall be placed upon any property unless the ownership of the real estate and the structures placed thereon are in the same person and the owner requests, in writing, the Adams County Assessor to place the improvements on the tax rolls and assessed as a portion of the real estate.
- (i) Any manufactured home shall be built to the 42 U.S.C. Section 5401-5403 standards (as amended in 2000).
- (j) Any manufactured home shall be previously untitled and shall be a new manufactured home as defined in RCW 35.63.160 as now enacted or hereafter amended.
- (k) Any manufactured home shall have all wheels, towing or moving apparatus removed from the site.
- (l) Any manufactured home shall be inspected and certified by the Washington State Department of Labor and Industries that it meets all applicable electrical, plumbing, and building codes for manufactured homes.
- (m) Any manufactured home removed from its existing site shall be removed from within the city within 30 days, or relocated to a new site and ready for occupancy within 30 days, in compliance with any and all other applicable regulations in effect at that time.

**14.30.080 Street Frontage Required.**

- (a) Every single-family dwelling shall front upon a street dedicated for public use and accepted by the city council as a public street, without any other building intervening between such dwelling and the street upon which it fronts.
- (b) Two family dwellings may, by special permission of the commission, face upon a court which fronts upon an accepted public street.

**17.30.090 Construction code requirements.**

All uses in the residential zones must be in compliance with the applicable requirements of the State building code, which includes the fire code, mechanical code, plumbing code, energy code, among others.

**17.30.100 Fences and walls.**

Fences and walls are regulated in OMC 14.36.

**17.30.110 Stormwater and drainage.**

- (a) Other than one and two-family dwellings, each use shall provide for approved on-site or off-site detention or control of excess stormwater runoff or drainage resulting from the use. No use shall cause downstream property owners to receive stormwater runoff at a higher peak flow than would have resulted from the same event had the use or improvement not been present.
- (b) Stormwater runoff or drainage shall be controlled and contained on site except where adequate off-site storm drainage systems are available. Stormwater runoff and/or drainage resulting from a use must be controlled so that water will not flow on to a public sidewalk or onto adjacent property. Drainage into city storm sewer or onto a city street must be approved by the city engineer.