



CITY OF OTHELLO PLANNING COMMISSION

**Regular Meeting
500 E. Main St.
February 19, 2019
6:00 PM**

1. Call to Order- Roll Call
2. January 22, 2019 Minutes Approval
3. Municipal Code Update – Accessory Dwelling Units – Request for Direction
4. Municipal Code Update – Residential Zones – Request for Direction
5. Municipal Code Update – Industrial Zones – Request for Direction
6. Short Course on Local Planning – Local Training Opportunity - April 23, 2019

****Next Regular Meeting is Monday, March 18, 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.**



City of Othello
Planning Commission
January 23, 2019
Jackee Carlson

CALL TO ORDER

Chair Roger Ensz called the meeting to order at 6:04 pm.

ROLL CALL

Commissioners Present: Chair Roger Ensz, Tari Perez, Chris Dorow, Kevin Gilbert

Absent: Brian Gentry

Staff: Community Development Director Anne Henning & Planning Secretary Jackee Carlson

Attendees: Bob Carlson

Quorum Established.

APPROVAL OF November 19, 2018 PLANNING COMMISSION MEETING MINUTES

Commission Action: The Commissioners voted to accept the minutes from November 15, 2018 M/S Chris Dorow/Tari Perez.

MUNICIPAL CODE UPDATE – OMC TITLE 16 SUBDIVISIONS– REQUEST FOR DIRECTION

Ms. Henning presented the changes she has been making to the chapter and is requesting direction from the Planning Commission.

The following changes were reviewed, and the Council agreed that she is moving in the right direction. When the changes are completed, the City Attorney will review the changes. Once approved by him, the Planning Commission will hold a Public Hearing, then a recommendation will be made to the City Council.

- General Provisions (pg.2) – Added a few things she liked from other codes, like the Exemptions which were mostly out of the RCW. Not ready to discuss Water Rights but will need to.
- Legal Lot (pg.3) – In the current OMC, if someone would like to develop, they need to have a platted lot. This is an unusual process, that not too many cities have. The new process would require that a lot is created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created, or binding site plan was approved, but not limited to demonstrating that the lot was created through the stipulations put forth by the city.
- General Standards (pg.4) –
- Definitions – Removed what was not important/not used. Made no additions. – Will need to be reviewed again.
- Boundary Line Adjustment (pg.10) – As modified, would work.
- Short Subdivision's (pg. 13) – Removed this section, all will be covered in other chapters.
- Proposal for new chapter (pg.25) – Preliminary Short Subdivisions, Major Subdivisions and Binding Site Plans –
- Opens Spaces & Parks (pg.48) – Needs reviewing.

MUNICIPAL CODE UPDATE – LANDSCAPING- REQUEST FOR DIRECTION

The Commission used the updated draft of Table 3 to assign points to the buildings on the table below. Through out the process, they updated the following information:

Building	Lot Size	Points Needed	Building	Lot Size	Points Needed	Building	Lot Size	Points Needed
Basin Insurance (Commercial)	22,5000 SF	158	Tovar Triplexes (Residential)	18,200 SF (~5,000 for building)	140	Yogurty Smogurty (Commercial)	22,5000 SF	138
Points Earned			Points Earned			Points Earned		
	Rock	55		Rock	72		Grass	16
	Pots	90		Trees	40		Pots	52
	Curbing	20		Curbing	12			
	Boulder	30						
Total Points		195	*Needs 16 more points	Total Points	124	*Needs 68 more points	Total Points	68

- The number of points assigned for Rocks was changed from ¼ point to 1/10 point per square yard.
- Sculptures may be added for 1/10 point per cubic foot. There was a discussion about what should be considered “city”. Ms. Henning will look at other cities public art policies. Connell’s sculptures were mentioned.
- Perennials will be added for ¼ point per perennial.

The Commission was pleased with the results of the point system and are ready to proceed forward with the changes.

ZONING MAP UPDATE –REQUEST FOR DIRECTION

The Commission discussed changing the Zoning Map, focusing specifically on the need more R-3 and R-4 areas. The process will require a public hearing and action by the Planning Commission and City Council once it is finalized by the Commission.

Throughout the discussion the following propositions where made. See the attached map for the location of areas.

Area:

A – North of Olympia & West of 7th - Change from a R-2 to R-3.

B – Olympia to Fir, Coventry to 4th - Change from R-2 to R-3

C – Hamlet to Pine, 12th to 14th (except Hospital) - Change from R-1 to R-2.

D –Alley between Hemlock & Larch to alley between Oak & Ash, 7th to 8th - Changed from a R-2 to R-3.

F – It was discussed that this area, specifically the Palos Verdes Estates, be rezoned to R-1, with the remaining of the area to be rezoned C-3 in the future.

E – Elm to Scooteny, lots fronting 2nd, 3rd and 4th and the north side of Scooteny from 4th to 7th.

SHORT COURSE ON LOCAL PLANNING – TRAINING OPPORTUNITY

The Commission was interested in this training. We will be contacting Connell to see if they would like to participate as well. The date is to be determined.

OTHER BUSINESS:

Items to be discussed at the next meeting:

1. Accessory Dwelling Units (ADUs)
2. Residential Zones
3. Industrial Zones

ADJOURNMENT

Having no other business, the meeting was adjourned at 8:07pm. Next scheduled meeting is Tuesday, February 19, 2019.

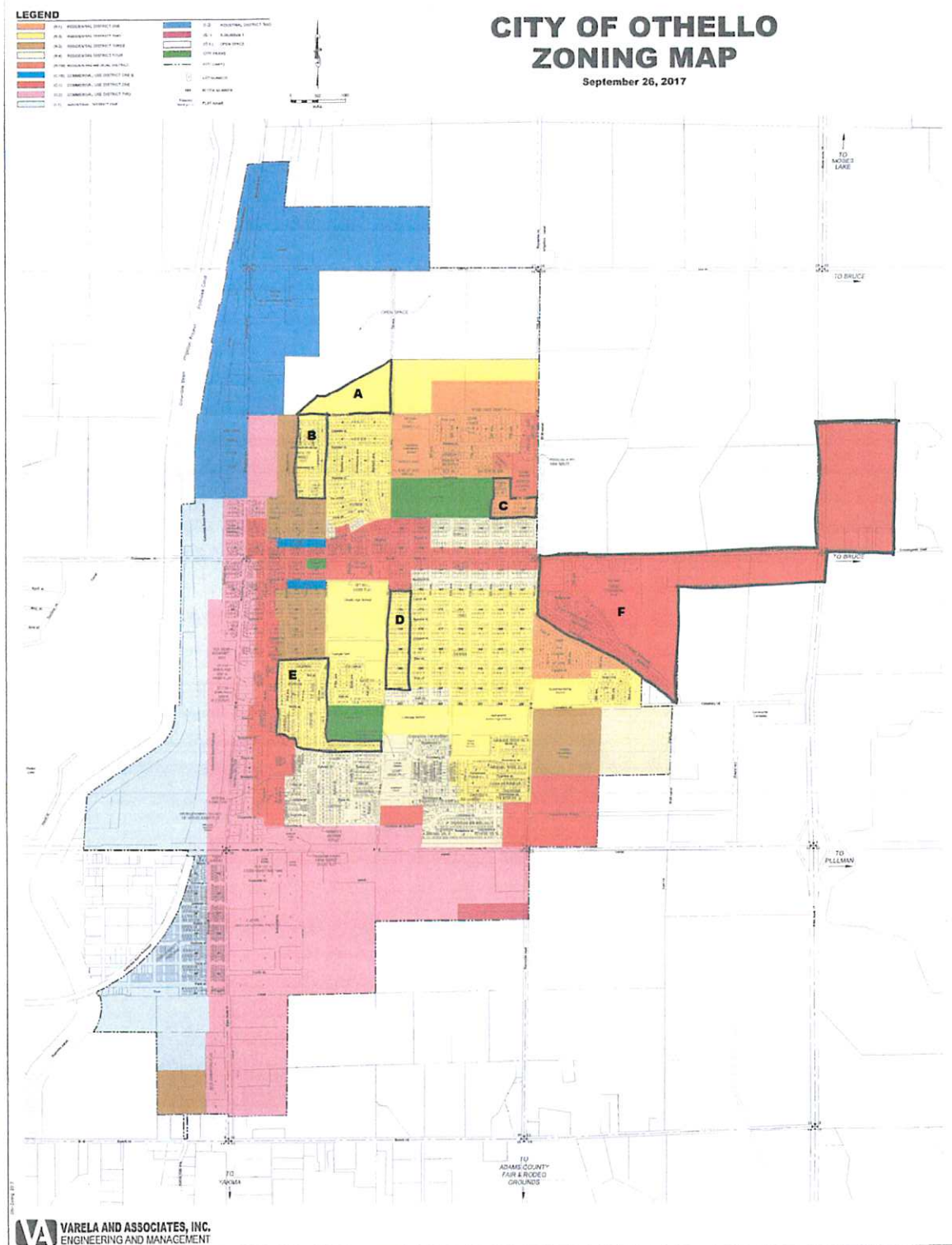
Roger Ens, Chair

Date: _____

Jackee Carlson, Planning Secretary

Date: _____

September 26, 2017



TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: February 19, 2019

SUBJECT: Accessory Dwelling Units – Request for Direction

At the November 2018 and January 2019 meetings, the Planning Commission discussed further reviewing the Accessory Dwelling Unit (ADU) draft that was presented to Council but not adopted. Reasons for allowing ADUs include: Making housing more affordable, addressing the housing shortage, and more efficient use of existing public investments in infrastructure such as streets and utilities.

Staff Comments

1. The attached draft is what was reviewed by Planning Commission and recommended to Council after a public hearing July 16. Staff who reviewed and contributed to the draft included Building, Planning Code Enforcement, Fire, and Ambulance.
2. Changes to the ordinance that have been discussed include further restrictions on which zones ADUs would be allowed in, and/or requiring owner occupancy in certain zones.

Attachments

- 7-16-18 Public Hearing Draft of ADU ordinance (recommended by Planning Commission)
- 8-13-18 City Council minutes of public hearing on ADU ordinance

Action: The Planning Commission should provide direction to staff.

DRAFT Chapter 17.63
ACCESSORY DWELLING UNITS

Sections

17.63.010 Purpose.

An accessory dwelling unit (ADU) is a smaller, subordinate, detached dwelling unit. These units are allowed in order to:

- (a) Create affordable housing;
- (b) Provide a range of housing choices;
- (c) Enhance options for families by providing opportunities for older or younger relatives to live in proximity while maintaining a degree of privacy;
- (d) Provide an opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership;
- (e) Maintain the single family appearance of existing neighborhoods.

17.63.020 Applicability.

An accessory dwelling unit 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 accessory dwelling unit 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 of all buildings on the lot, including the ADU, the single family house, and any garages, sheds, shops, or other accessory buildings, shall be 35%.
- (c) To make the ADU visible and accessible to emergency services providers, the ADU must be connected to a public street with a concrete or asphalt walkway with a minimum 4' width that is kept clear of obstructions.
- (d) A minimum of two concrete or asphalt parking spaces shall be provided for each unit on the lot, for a minimum of four parking spaces.
- (e) If parking spaces are accessed from an alley, an annual assessment for alley maintenance may be required, as determined by the Public Works Director based on actual maintenance costs.
- (f) The ADU shall have a separate connection to the public water main in right-of-way, and shall have separate water and power meters from the main house.
- (g) The ADU shall have a separate numerical address from the main house, and shall not be addressed with a B or ½ after the address numbers. If the ADU is not clearly visible from the street, the proponent shall post a sign with the address at the street, meeting the requirements of emergency services providers.
- (h) All zoning requirements, such as setbacks, shall be met unless specifically modified in this chapter. Separation between units shall be as regulated by the building code.
- (i) All requirements of the state building code, such as International Residential Code, International Fire Code, Washington State Energy Code, electrical code, etc. shall be met.

- (j) A detached accessory building shall be limited to one story in height.
- (k) For an accessory dwelling unit attached to or within the primary single family dwelling, only one building entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence.
- (l) The accessory dwelling unit cannot be sold separately from the primary residence, unless all the requirement of a subdivision can be met.
- (m) Due to the unit's small size, occupancy of an ADU is limited to a maximum of 3 adults, and any related children age 18 and under.

17.63.040 Conditions for legalizing pre-existing accessory dwelling units.

An accessory dwelling unit that existed on *(date)* may be legally established and may continue if the following conditions are met:

- (a) The property owner enters into a voluntary compliance agreement in accordance with Chapter 1.20 et seq.
- (b) The property owner obtains the necessary permits and completes the work necessary to bring the property into compliance with all applicable building and life safety codes.
- (c) The property owner ensures that existing tenants on the property have substitute housing, at no additional cost to the tenant, while the owner completes the necessary upgrade work and the tenant is required to move out, provided said requirement does not violate any provision of the Washington Landlord Tenant Act or other Washington State law.

City Council Minutes, August 13, 2018

PUBLIC HEARING ON CREATING OMC CHAPTER 17.63 TITLED "ACCESSORY DWELLING UNITS"

Mayor Shawn Logan opened the public hearing at 6:52pm. Community Development Director Anne Henning mentioned that many cities across Washington and elsewhere have a process to allow an "accessory dwelling unit" (ADU), a secondary unit on a lot that has a single family dwelling. Othello has a history of unpermitted sub-standard detached ADUs, and has taken enforcement action, while recognizing that these units exist because there is a shortage of typical housing. However, the only current process to legally create such units is cumbersome and uncertain.

Ms. Henning commented that over the last few months, several people have approached the Building & Planning Department about building or converting an accessory dwelling unit. Under current regulations, the only way this may possibly be permitted is through the conditional use process by the Hearing Examiner, as an accessory apartment. That is a several-month process, with a lot of expense to the property owner, and uncertainty as to whether the Hearing Examiner would even approve this type of unit. Therefore, the Planning Commission created a draft ordinance that would allow these units, with specific conditions to limit impact on the neighborhoods. Most importantly, these units would only be allowed in R-2, R-3, and R-4 Zones, all of which already allow duplexes. This would not increase the density beyond what is currently allowed. Parking, maximum occupancy, emergency access, and separate water and electrical connections are all addressed in the draft ordinance. The current code for setbacks and 35% maximum lot coverage would apply to these units.

Councilmember Mark Snyder inquired that if the 35% coverage included the driveway and Ms. Henning responded that it does not include surface it is just for building coverage as to that is how it is stated in the code. Councilmember John Lallas stated that they still have to maintain the proper setback ordinance and Ms. Henning also mentioned that it does require that they have two (2) parking spaces per unit, so it will be four (4) parking spaces for the lot.

Councilmember Genna Dorow inquired what percentage of the town is zoned R-2 and was responded by Ms. Henning that quite a bit of it is as most of the residential is R-2. Ms. Dorow also commented that these would be more like apartments not duplexes because duplexes are more equal in sized dwelling on a single lot however, Ms. Henning stated that that is how people would think about it however, the code is not specific and just defines a duplex as one building for to (2) families. Ms. Dorow mentioned that if the city ends up with accessory dwelling units then the definition of a duplex needs to change because to her a duplex is two (2) fairly equal living dwellings on one (1) lot that have their own yard, their own access, their own entrance, their own parking, even their own garage in some cases. Ms. Dorow commented for the most part, what the planning commission has done is very good and thinks that the R-2 needs to change if it does pass and suggested that if allowed in R-2 then it should be owner occupancy because in the R-2 zone there are people who are already living there and expect it to continue

to be single family homes and will detour a lot the concerns that people might have and also commented that the City needs a greater percentage of R-3 in the town. Community Development Director responded to the R-2 owner occupancy suggestion by stating that if that is to occur it would create a problem for tracking because then a system would need to be created to be checking on it. There was further discussion with Council and Staff with regards to how other cities handle this situation, different ideas of how a system can be possibility create by ordinance and the current system the City has in place for voluntarily registering the rentals with the Police Department.

Councilmember Corey Everett mentioned that a couple years ago it was discussed about getting rid of the accessory dwelling units and now tonight they are considering an ordinance that will allow for them to build. He believes that this shouldn't even be up for discussion until the old accessory dwelling units are cleaned up at least however since it is being discussed then he voiced his opinion of being completely against them because of what they eventually turn into. Mr. Everett also mentioned section 17.63.010(e) where it states that it has to maintain a single-family appearance and he doesn't see where that will be possible also section 17.63.330(m) where it states the limit of up to three (3) people and how is that going to be enforced without having someone babysitting that. Councilmember Everett asked the council how many of them would really like live next door to someone who has an accessory dwelling unit in their back yard and Councilmember Dorow responded that where she believes the owner occupancy verbiage would detour some of those concerns but even at that there will still be some issues. Mr. Everett believes that the City has come a long way in upping our standards and believes that allowing more ADU's will lower that standard right back down and this is the wrong way to go.

Councilmember Angel Garza inquired if the current second dwellings have been brought up to code with their own meter and their own address. Ms. Henning responded that it's her understanding that they will not need that and will only need to meet basic life safety requirements like e-grass windows, a bathroom, etc. Councilmember Dorow mentioned that the units they were referring to were non-conforming dwellings and illegal because they never had a permit. There was discussion about them being brought to code and the process being used to make sure they are being brought up to code.

Mayor Logan made a clarifying statement that tonight before the Council is the discussion and the public hearing about allowing the new build of accessory dwelling units. The City acknowledges and understands the whole separate issue of all the non-conforming and non-permitted ones that are existing today. Mayor Logan stated that that is a separate issue and according to the Council direction has been to begin to address those and begin to clean those up and begin to bring them into compliance to the City standards.

Councilmember Angel Garza stated that this does call for the conversation of the old units because if the old units are not being put up to code then that means that the code is not being enforced and we are going to go ahead and allow for the second dwelling because the owner

lives in the first home and that's not going to be enforced, then what directions is the City really going in. Mayor Logan stated that Mr. Garza made an excellent point was going to make the same point. Councilmember John Lallas stated that he wants to address the Council and the citizens and stated that when he was sitting in the Planning Commission meeting and talking about this as well all he could see in his opinion was the opportunity for investment. People are looking at this as there is a housing shortage in Othello and if they can use the lot they have to build another unit than I can make money off it. Mr. Lallas acknowledged that there is a housing shortage in Othello after talking with other people and people, like single people or married couples with 1-2 children coming to this community, it is very hard for them to find a place to rent. Mr. Lallas commented that what this ordinance would do, if done correctly, is create housing but a lower cost then to develop. Councilmember Dorow stated that its better to have an ordinance with some direction than to have nothing at all.

Councilmember Eugene Bain states that he is considering building a three (3) car garage on his property and above that a small apartment, main reason being that he has 2 kids and if they need a place to stay or rent they have a place. Also, for when his family that want to come visit and stay for wile they have their own place. Councilmember Garza commented that everyone wants to build for their kids and family however eventually end up renting to someone else and does not want to see it get out of hand. Councilmember Mark Snyder stated he doesn't people behind him or next to him having extra people but based on the size of lots in his area he doesn't real think it will be a problem.

Councilmember Larry McCourtie stated he is totally against it and agrees with Councilmember Everett because it may work for some and if continues the way it is it will not be good. Mr. McCourtie recommended it be stopped and just clean up the ones that are already built. Mayor Shawn Logan made the following statements: 1. that he agrees with Councilmember Dorow that some additional R-3 and R-4 areas to the community; 2. he doesn't think the owner occupancy in the main unit being required can be enforced and monitored because there is nothing in the ordinance as to a requirement that the owner has to stay or any penalty for not having it owner occupied. The Mayor sees it as a problem because the City doesn't have the ability nor the resources to enforce this and can see it could increase the density in the area; 3. the density can create a large impact in the neighborhoods with multiple cars being parked around the property as to which it is happening now and the City has not done a good job enforcing that; 4. the possibility of decreasing the value of other people's property due to the building of a second dwelling and allowing more and more people to live on the property. There was more discussion with regards to the systems that need to be put in place, enforcement that needs to be established and zoning that needs to be updated. Mayor Logan stated he would rather see developers come in and build duplexes, triplexes and quadplexes instead of going the route of ADU's.

Mayor Logan asked for comments in support of the proposed agreement. There was none.

Mayor Logan asked for comments neutral to the proposed agreement. There was none. Mayor Logan asked for comments in opposition to the proposed agreement.

1. John Erickson, 1175 E. Cypress St., stated that he is opposed in adopting this ordinance due to property values being impacted, the maximum residence occupancy however he is support of the investment aspect of the ordinance but still doesn't think this is the time until all the questions and concerns can be addressed.
2. Dale Wyman, 848 E. Juniper St., stated that housing shortage has been around since he has been around, the bureau in the past put up eighty 80 trailers to alleviate the living shortage however it has not gone away. Mr. Wyman commented that the living shortage has to do with the economy and that until the people can see the investment in building a house or rentals it will not be done. Mr. Wyman stated that he should have spoken in favor of the ordinance because he has two (2) car garage on his property that he could convert into a living space and sell it if the ordinance pass. Mr. Wyman expressed his concern with the alleys also becoming streets if people start building second dwellings and suggested being more lenient in the R-3 and R-4 zones to allow for them to be build and not passing the ordinance.

Mayor Logan closed the public hearing at 7:25pm.

Councilmember Genna Dorow suggested taking the ordinance back to the Planning Commission to add some more R-3 & R-4 zones to allow for people to come in and build duplexes, triplexes and such. Community Development Director Anne Henning stated that she doesn't see this going anywhere with all that has been discussed and could possibly look at the zoning as there is not that much vacant lot and the matter to rezone it. Councilmember Lallas suggested limiting the accessory dwellings to R-3 and R-4 zones which could have the possibility of changing the zoning.

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: February 19, 2019

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

The Planning Commission has been working on drafting new Residential regulations. The goal is to update the code to modern standards, reduce duplication, eliminate conflicts, and make the regulations easier for staff and the public to use and understand.

Staff Comments

1. The draft has been updated with the changes discussed in October 2018. Previous versions of the draft were discussed in August and September 2018.
2. Most blanks in Tables 1 and 2 have been filled in, so the Commission should review the uses and standards in each zone to be sure they reflect the Commission's intent.
3. Items that still need review:
 - a. 17.20.010: Are the proposed purpose statements adequate?
 - b. Table 1: Would triplex or fourplex dwellings be appropriate in the S-1 Zone?
 - c. Table 1: Should the language requiring less than 50% of available accommodations to be monthly or longer be retained? Should these uses even be allowed in Residential Zones?
 - d. Table 1, nursing home, etc: "Rest home" was deleted as a dated term. "Assisted living" is proposed to be added.
 - e. Table 1: Municipal facilities such as wells or lift stations are proposed to be added as allowed uses.
 - f. Table 1: The Commission previously discussed that parks should be a conditional use in all Residential Zones. Is that still the direction?
 - g. Table 1: Provisions related to fruit raising, etc. for the personal use of the occupants is proposed to not be included, since there seems little to distinguish this from gardening.
 - h. Table 1, Footnote 2: Should signage be allowed for an in-home daycare provider if more than 12 children? There are currently no businesses that this would apply to. There are 4 child care centers in Othello, but none are in homes.
 - i. Table 1, Footnote 3: Should a Family Day Care provider be required to notify the neighbors? The City could not deny a family day care based on neighbor objections.
 - j. 17.20.050(g): The standards for accessory buildings larger than 120 square feet were taken directly from the existing 17.70 Accessory Uses, Buildings, or Structures chapter. Should these standards be adopted as written?
 - k. Table 2: Should the setback to the front of a garage (where vehicles are likely to be parked) be larger than 20'?

- l. Table 2: If the minimum lot size in R-2 for a single family dwelling is increased to 8000 SF, should the minimum lot size in R-2 for a duplex remain at 7000 SF or also be increased to 8000 SF?
- m. A line in Table 2 was added for Maximum Dwelling Units Per Lot. Please review. The intention is to make clear that not more than 1 single family home, 1 duplex, or 1 triplex/4-plex is allowed per lot.
- n. Table 2: If the standard is the same in every zone, should it be moved from the table to a different section such as 17.20.080 Performance Standards, or should the table cells just be merged?

Attachments

- February 19, 2019 Draft OMC 17.20, Residential Zones

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

Chapter 17.20 RESIDENTIAL ZONES

Sections:

- 17.20.010 Purpose.
- 17.20.020 Additional Requirements.
- 17.20.030 Uses.
- 17.20.040 Prohibited.
- 17.20.050 Accessory Uses, Buildings, and Structures.
- 17.20.060 Development Standards.
- 17.20.070 Performance Standards.
- 17.20.080 Performance Standards for Residential Structures.
- 17.20.090 Street Frontage Required.
- 17.20.100 Construction Code Requirements.
- 17.20.110 Fences and Walls.

17.20.010 Purpose.

- (a) Generally. This chapter provides for residential development of various types and densities.
- (b) R-1 Residential District. The R-1 Zone is a low-density zone which allows one-family dwellings.
- (c) R-2 Residential District. The R-2 Zone is a low-density zone which allows one- and two-family dwellings.
- (d) R-3 Residential District. The R-3 Zone is a medium-density zone which allow a mix of home types, including triplex and four-plex dwellings.
- (e) R-4 Residential District. The R-4 Zone is the highest-density residential zone, allowing larger multi-family dwellings in addition to one, two, three, and four-family dwellings.
- (f) Residential-Medical Zone. The Residential-Medical Zone is intended to allow the co-existence of medical uses and residential uses, and ensure compatibility between these uses.
- (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.

17.20.020 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 17.67 Use Review Standards
- (f) OMC 17.74, Landscaping
- (g) OMC 14.04, Building Codes
- (h) OMC 14.36, Fences, Walls and Hedges
- (i) City of Othello Public Works Design Standards

17.20.030 Uses.

- (a) Table 1: Land Uses in Residential Zones 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
Residential						
One family dwelling (site-built, manufactured, or modular)	A	A	A	A	A	A
Condominium in compliance with OMC 17.54, Planned Development District Overlay	A	A	A	A	A	A
Two-family dwelling	X	A	A	A	X	A
Triplex or fourplex dwelling	X	X	A	A	X	A?
Multi-family dwelling larger than 4 units	X	X	C	A	X	X
Rental of an apartment appurtenant to a single-family residence	X	C	C	C	C	C
Commercial¹						
Adult Family Home licensed by the State	A	A	A	A	A	A
Art gallery	X	X	C	A	X	X
Boardinghouse, bed and breakfast, bunk house, hostel, dormitory, resort, timeshare condominium, lodging house (Provided no more than 50% of available accommodations, whether rooms or beds, in any of these residential uses shall be occupied on a rental term of monthly or longer at any time)	X	X	C	A	X	C
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 ²	C	C	C	C	C	C
Family Day Care Home licensed by the State ³	A	A	A	A	A	A
Home Occupations in compliance with OMC 17.59	A	A	A	A	A	A
Medical-related commercial vendor	X	X	X	X	A	X

TABLE 1: LAND USES IN RESIDENTIAL ZONES						
USE CATEGORIES	R-1	R-2	R-3	R-4	R-M	S-1
Museum	C	C	C	C	C	C
Nursing home, convalescent home, assisted living, or similar residential/medical use and its support facilities	X	X	X	C	A	X
Public and Institutional						
Churches	C	C	C	C	C	C
Municipal buildings or structures	C	C	C	C	C	C
Municipal facilities, such as wells or lift stations	A	A	A	A	A	A
Parks and playgrounds, including park buildings	C	C	C	C	C	C
Public hospital	X	X	X	X	A	X
Schools, public or private	C	C	C	C	C	C
Agricultural						
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
Keeping of animals and/or livestock	X	X	X	X	X	A ⁴
Keeping of chickens and rabbits	See OMC 6.12					A ⁵
Miscellaneous						
Household pets	See OMC 6.04					

Notes for Table 1:

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

² 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. *[PC felt some signage should 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.

³ 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.

⁴ Animals and/or livestock are allowed in the S-1 Zone as follows: Not to exceed 1 horse, 1 mule, 1 cow, 2 goats, or 2 sheep for every 21,780 square feet of area of lot area. No such livestock shall be maintained closer than 100' to any dwelling.

⁵ Chickens, rabbits, and guinea pigs are allowed in the S-1 Zone as follows: Not to exceed 15 fowl and not to exceed 15 rabbits or guinea pigs. Guinea fowl and pea fowl are not permitted. Roosters are not permitted. No chickens, rabbits, or guinea pigs shall be maintained closer than 25' to any dwelling.

⁶ placeholder

⁷ placeholder

17.20.040 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.

17.20.050 Accessory uses, buildings, and structures

- (a) All accessory uses, buildings, and structures must be customarily incidental and subordinate to the principal building or use of the lot on which they are located.
- (b) Where there is a question regarding a particular accessory use, the Community Development Director shall have the authority to make the final determination. The determination shall be based on the general standards of this section and on an analysis of the compatibility of the use or structure within the surrounding area and the permitted principal uses in the zone.
- (c) The following structures are customarily incidental and accessory to residential uses:
 - (1) Carports or garages for the storage of motor vehicles, boats, and/or recreational vehicles;
 - (2) Greenhouses, private and non-commercial; and

- (3) Storage buildings for yard maintenance equipment and household goods.
- (d) Accessory uses, buildings, and structures, other than fences and retaining walls, are prohibited from locating on a lot prior to a legal principal use.
- (e) No accessory building or structure shall be placed on or over a right-of-way or public easement.
- (f) The accessory building shall be at least five feet from the primary building. Separation between accessory buildings shall be as regulated by the State Building Code.
- (g) For structures accessory to residential uses in the R-1, R-2, and R-3 Zones, the total ground area of accessory structures may not exceed 120 square feet unless all of the following conditions are met:
 - (1) The total area of all detached structures does not exceed the ground floor area of the primary structure.
 - (2) Roof pitch shall be at least 3:12.
 - (3) The exterior siding and roofing material shall be similar in appearance and color to that of the primary dwelling unit.

17.20.060 Development Standards.

- (h) 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.
- (i) 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 RESIDENTIAL ZONES						
Development Standards	R-1	R-2	R-3	R-4	R-M	S-1
Maximum building height – primary building	2 stories	2 stories	2 stories	3 stories	3 stories and 60'	2 stories
Maximum building height – residential accessory building	20'	20'	20'	20'	20'	20'
Front street setback ¹ for primary structure	20'	20'	20'	20'	20'	20'
Front setback ¹ for accessory structures	No closer to the street than the dwelling unit	No closer to the street than the dwelling unit	No closer to the street than the dwelling unit	No closer to the street than the dwelling unit	No closer to the street than the dwelling unit	No closer to the street than the dwelling unit
Side street setback ¹ for a corner lot	15'	15'	15'	15'	15'	15'
Setback ¹ to front of garage	20'	20'	20'	20'	20'	20'
Interior Side setback ¹	5'	5'	5'	5'	5'	5'
Interior side setback ¹ - residential accessory building	2'	2'	2'	2'	2'	2'

TABLE 2: DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES						
Development Standards	R-1	R-2	R-3	R-4	R-M	S-1
Rear setback ¹ if no alley	5'	5'	5'	5'	5'	5'
Rear setback ¹ if abutting alley and garage does not open onto alley	0'	0'	0'	0'	0'	0'
Rear setback ¹ if abutting alley and garage opens onto alley	8'	8'	8'	8'	8'	8'
Minimum lot size for single family dwelling ²	10,000 square feet	8000 square feet	7000 square feet	6000 square feet	7000 square feet	1 acre
Minimum lot size for two-family dwelling	n/a	8000? square feet	7000 square feet	6000 square feet	n/a	1 acre
Additional lot area above the minimum needed per dwelling unit if more than 2 dwelling units	n/a	n/a	n/a	900 SF site area + 300 SF landscaping + 400 SF parking	n/a	n/a
Maximum Dwelling Units Per Lot	1	2	4	Dependent on lot size	1	4?
Landscape area for residential	See OMC 17.74.			300 SF/ dwelling unit	See OMC 17.74.	
Maximum lot area covered by buildings	35%	35%	35%	35%	35% for residential uses. 50% for medical uses.	35%
Minimum roof pitch for main portion of primary structure	3:12	3:12	3:12	3:12	3:12 residential. N/A for medical uses.	3:12
Minimum width of primary structure at the narrowest side of the rectangle formed by the structure as a whole	24'	24'	24'	24'	24'	24'
Minimum number of parking spaces inside a garage for a single family dwelling	2	2	2	2	2	2

Table 2 Notes:

1. Setback notes:
Within the setback area shown on Table 2, no building or structure (as defined in OMC 17.09, Definitions) 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.
2. The minimum lot size does not apply to lots legally created prior to (*ordinance adoption date*).

17.20.070 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, Noise Control.

17.20.080 Performance Standards for Residential Structures.

- (a) All dwellings shall be placed on permanent foundations. 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 building 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.
- (g) Any manufactured home shall be built to the 42 U.S.C. Section 5401-5403 standards (as amended in 2000).
- (h) 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.
- (i) Any manufactured home shall have all wheels, towing or moving apparatus removed from the site.
- (j) 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.

17.20.090 Street Frontage Required.

- (a) Every lot in a residential zone shall front upon a street dedicated for public use and accepted by the city council as a public street, unless otherwise approved through the Planned Development process, OMC 17.54.

17.20.100 Construction code requirements.

All uses in the residential zones must be in compliance with the applicable requirements of the State building code, including but not limited to the fire code, mechanical code, plumbing code, and energy code.

17.20.110 Fences and walls.

Residential fences and walls are regulated in OMC 14.36.

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: February 19, 2019

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

As part of the revision of the Zoning Code, the Industrial Zones need to be reviewed. Similar to the changes made to the Commercial and Residential Zones, staff has created a draft that addresses both Industrial 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 existing Industrial chapters, OMC 17.41 and 17.42, are pretty minimal while having some quirks. Existing standards for setbacks and height have been carried over into the draft and should be discussed. Other changes that should be discussed are:
 - a. Purpose statements were added. The Commission should review the draft purpose statements in 17.40.010 to determine if they match the Commission's intent with these zones.
 - b. Uses (17.40.030/Table 1). Staff would recommend that uses be limited to those that need an industrial location, rather than permitting all C-2 uses in the I-1 Zone as currently allowed in OMC 17.41, or the confusing statements in OMC 17.42 that all uses are allowed except C-1 or C-2 uses, nuisances, obnoxious uses, residential uses, and that the commission may grant special conditional and revocable permits. The Commission should review the proposed list of uses. As with the other zones, we are trying to create general categories of uses rather than trying to list every possible use. Where direction was clear in the existing I-1 Zone, that use has been carried over to the draft. The rest have been left blank for the Commission to fill in.
 - c. If there are additional uses that should be specifically prohibited, those can be added to 17.40.040.
 - d. Table 2, Development Standards, should be reviewed to determine if the numerical standards brought over from the existing code are still appropriate, and which other standards should be included.
 - e. Performance Standards (air quality, electromagnetic interference, etc.) were added. These should be discussed to see if they are suitable as written. Noise standards are taken from the WAC. Most of the other standards are relatively simple, however odor is one standard that definitely warrants specific discussion.
 - f. 17.40.040, Containment Within a Building, was taken from other code. The Commission should discuss whether this is a good idea for Othello.

- g. 17.40.080, Storage Areas, was also taken from another code and may not be applicable in Othello.
- h. 17.40.090, Construction Code Requirements, is probably not needed, since the State Building Code (which includes the International Fire Code, Mechanical Code, Plumbing Code, Energy Code, etc.) is already adopted for the whole city in OMC 14.04.
- i. There are currently no regulations for fencing in Industrial (or Commercial) Zones. Therefore, section 17.40.100 was added. This is the same language as was included in the Commercial Zone draft the Commission has been working on.
- j. Stormwater should also be addressed. The proposed language from the Commercial draft is included in 17.40.110.

Attachments

- February 19, 2019 Draft OMC 17.40, Industrial Zones

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

Chapter 17.30 INDUSTRIAL ZONES

Sections:

- 17.40.010 Purpose.
- 17.40.020 Additional Requirements.
- 17.40.030 Uses.
- 17.40.040 Prohibited.
- 17.40.050 Development Standards.
- 17.40.060 Performance Standards.
- 17.40.070 Containment within a Building
- 17.40.080 Storage Areas
- 17.40.090 Construction Code Requirements.
- 17.40.100 Fences and Walls.
- 17.40.110 Stormwater and Drainage.

17.40.010 Purpose.

- (a) Generally. This chapter provides areas for manufacturing, processing, and other industrial uses with appropriate standards to create an economically thriving industrial base for the community.
- (b) I-1 Light Industrial Zone. The I-1 Zone is intended to preserve land for and accommodate light industrial uses such as manufacturing, warehousing, distribution, processing, and fabricating.
- (c) I-2 Heavy Industrial Zone. The I-2 Zone is intended to preserve land for and accommodate heavy industrial uses with less restrictive performance standards than the I-1 Zone with its proximity to commercial uses.

17.40.020 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 17.74, Landscaping and Screening
- (f) OMC 14.04, Building Codes
- (g) OMC 14.58, Signs
- (h) OMC Title 19, Development Code
- (i) City of Othello Public Works Standards

17.40.030 Uses.

- (a) The Industrial 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 industrial 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) Uses are arranged in three categories:
 - (1) Primary uses, which are those which Industrial Zones were designed to accommodate;

- (2) Accessory uses, which support primary uses; and
 - (3) Other uses, which are compatible with primary uses or are not appropriate in other zones because of impacts such as noise.
- (c) 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
- (d) 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 17.40.010 and the most recent version of the North American Industry Classification System (NAICS), as used by federal agencies in the classification of business establishments.

TABLE 1: LAND USES IN INDUSTRIAL ZONES		
USE CATEGORIES	I-1	I-2
Primary Uses		
Agriculture-related uses, such as feed & seed stores, farm equipment repair and sales, irrigation supply, and agricultural services such as soil preparation services, lawn care services, potato curing, seed cleaning, cold storage, and sorting, grading, packing, and packaging of fruits and vegetables	A	
Assembly of parts		
Bus barns and maintenance facilities		
Fabrication and welding		
Hazardous waste treatment and storage, from off-site		
Hazardous waste treatment and storage, from on-site ¹	C	
Junk yards, salvage yards, or wrecking yards		
Machine shop	A	
Manufacturing, processing, or packaging of products using raw materials		
Manufacturing, processing, or packaging of products using previously prepared materials ²		
Manufacturing, processing, or packaging of food products, excluding meat, seafood, distilling, fermenting, canning, slaughtering, rendering, curing, and tanning		
Manufacturing, processing, or packaging of food products, including meat, seafood, distilling, fermenting, and canning. Excludes slaughtering, rendering, curing, and tanning		
Slaughtering, rendering, curing, and tanning		
Outside storage as a primary use ³		
Printing, publishing, and allied products manufacturing including processes such as lithography, etching, engraving, binding, and blueprinting		
Recycling collection site and recycling facilities		
Solid waste processing facilities		
Storage, warehousing, and distribution facilities	A	
Technological uses such as scientific research, testing, and experimental development laboratories		
Transportation services such as freight consolidation, shipping documents preparation, rental of railroad cars, packing and crating		
Accessory Uses		
Accessory use appurtenant to any primary use and not otherwise prohibited		
Child care, primarily for children of on-site employees or customers		
Dwelling unit for on-site security or maintenance personnel and family ⁴	A	

TABLE 1: LAND USES IN INDUSTRIAL ZONES		
USE CATEGORIES	I-1	I-2
Offices related to permitted uses conducted on the same site		
Sales (retail or wholesale) of goods or products manufactured on site, or utilized in manufacturing, repairing, or servicing activities which are permitted in the zone		
Storage in cargo containers		
Other Allowed Uses		
Animal shelter, kennel, or veterinary clinic with outdoor boarding of animals or care of livestock		
Building materials or lumber yard, retail or wholesale		
Contractor establishments, including offices, shops, and storage yards	A	
Industrial laundry or dry-cleaning plant		
Mini-storage		
Nurseries and greenhouses for the growing and sale of plants		
Power generating facilities		
Public facilities compatible with the intent of the zone, such as maintenance shops, substations, well houses, lift stations, local and regional utilities	A	
Public park		
Recreation requiring large land areas and/or generating noise, such as go-carts, target shooting, race tracks, etc.		
Repair and service of vehicles and equipment		
Surfacing mining, including extraction from deposits of rock, gravel, sand, earth, and minerals, along with rock crushing and related accessory activities ⁵		
Towing services and vehicle impound yards		
Wireless communication facilities, in compliance with OMC 16.68		

Notes for Table 1:

1. In compliance with the performance standards of the State of Washington siting criteria for on-site hazardous waste treatment and storage facilities (WAC 173-303-285) and the requirements of this chapter; provided that, on-site hazardous waste treatment and storage facilities are accessory to and subordinate to a primary use which is a generator of hazardous waste.

2. Previously prepared materials are those which have been subjected to a process of dilution, blending, separation, waste extraction, refinement, or similar process so that further preparation, treatment, or processing does not generate raw refuse matter in quantity or form which would preclude prompt and effective removal of such matter from the site.

3. Other than contractor yards.

4. The sole purpose of the dwelling is to furnish housing for an employee, including family, engaged in on-site security or maintenance. Only one such residence is allowed per site.

5. The application for a conditional use permit for surface mining, rock crushing, and related accessory activities shall include the following information:

A. Vicinity Map. General vicinity map of the proposed area.

B. Topography and site map. Property limits and accurate contours of existing ground details of terrain and area drainage as well as the boundaries and dimensions of the site.

C. Grading Plan. Dimensions, elevations or finished contours to be achieved by the grading, proposed drainage channels, and related construction.

D. Storm Drainage and Erosion Control Plan. A conceptual storm drainage and erosion control plan shall be submitted with each application and shall be approved by the City prior to the mining permit being approved. A final storm drainage and erosion control plan must be approved prior to any materials being removed. The plan must also address the continued

maintenance and operation of the storm drainage and erosion control system, and, if determined necessary by the city, a performance bond or similar financial guarantee shall also be provided to guarantee the maintenance and operation of the system.

E. Location of development. Location of any crushers, sorters, scales, buildings, or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within 50' of the property, or which may be affected by the proposed operation.

F. Dust Control. A dust control plan shall be submitted which shows how dust or other particulate matter will be controlled within the mining site and on the public streets. Reasonable precautions shall be taken with storage, transportation, processing, roadways and other open areas so as to prevent dust or other particulate matter from becoming airborne.

G. Department of Natural Resources Permit. Prior to a surface mining operations permit being applied for the owner/operator shall submit evidence from the State of Washington Department of Natural Resources that the state considers the proposal as a surface mine and will require a permit and reclamation plan.

H. A written statement describing how the proposal meets the requirements and intent of a conditional use permit

17.40.040 Prohibited.

The following are prohibited in all Industrial Zones:

- (a) Any use which does not or is not capable of conforming with the purpose and requirements of this chapter;
- (b) Any use determined by _____ to pose excessive hazard to the public health, safety, and general welfare;
- (c) Abandoned structures or buildings in a state of disrepair or not approved for use;
- (d) ??

17.40.050 Development Standards.

- (a) Purpose. This section established the development standards and site requirements for uses in the Industrial 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 Industrial 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 INDUSTRIAL ZONES		
Development Standards	I-1	I-2
Front and flanking street setback ¹		
Side setback ¹ if adjacent property is not zoned Residential	NR	NR
Side setback ¹ if adjacent property is zoned Residential	5' or 1/5 building height, whichever is more	5' or 1/5 building height, whichever is more
Rear setback ¹ if adjacent property is not zoned Residential	NR	NR
Rear setback ¹ if adjacent property is zoned Residential	10'	10'
Maximum building height	NR	NR
Minimum or maximum lot size		
Landscaping requirements	OMC 17.74	OMC 17.74
Buffer requirements		
Signage	OMC 14.58	OMC 14.58
Outside storage		
Fencing requirements		
Parking requirements	OMC 17.61	OMC 17.61
Containment within a building		

(1) Setback notes:

Within the setback area shown on Table 2, no building or structure (as defined in Chapter 17.09) 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.

17.40.060 Performance Standards.

The maximum permissible limits of the Performance Standards for the industrial zones shall be as designated in Table 3. as herein defined.

- (a) Air Quality. Emissions from combustion and incineration, emissions from sources emitting hazardous air pollutants, and emissions of suspended particles or fugitive dust shall not exceed the standards set forth in Washington Administrative Code 173-400, General Regulations for Air Pollution. Where such emissions could be produced as a result of accident or equipment malfunction, safeguards standard for safe operation in the industry shall be taken. Polluted air streams shall be treated with the best available control technology.
- (b) Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the public health, safety, and welfare, including but not limited to interference with the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the FCC under the Federal Telecommunication Act of 1996 or its successor.
- (c) Fire and Explosive Hazard. The manufacture, use, processing, or storage of flammable liquids, gases, or solids shall be in compliance with the State Fire Code, the State Building Code, National Fire Protection Association standards, and any other state or nationally recognized standards that may apply to the particular use, building, or process.
- (d) Glare. Any activity producing glare shall be carried on in such a manner that the glare is not perceptible at or beyond the property line. Artificial lighting shall be hooded or shaded so that direct light of high intensity lamps will not result in objectionable glare.
- (e) Hazardous Materials. The manufacture, use, processing, or storage of hazardous materials shall be permitted in accordance with the regulations of the State Building Code, State Fire Code, the National Fire Protection Association Standards, and any other state or nationally recognized standards that may apply to the particular use, building, or process.
- (f) Heat and Humidity (Steam). Any activity producing humidity in the form of steam or moist air, or producing heat shall be carried on in such a manner that the heat or humidity is not perceptible at or beyond the property line.
- (g) Industrial Wastes. The storage, processing, or disposal of dangerous waste shall be subject to the regulations of the Washington State Department of Ecology.
- (h) Noise. Noise within the industrial zones must not exceed the maximum permissible noise levels set forth in this chapter and WAC 173-60, Maximum Environmental Noise Levels, as measured at the property line of the noise source.

Maximum Permissible Environmental Noise Levels From Industrial Uses			
Noise Source	Property Receiving Noise by Zone		
	Residential	Commercial	Industrial
Industrial Zone	60 dBA *	65 dBA	70 dBA

- * Between the hours of ten p.m. and seven a.m., the noise limitations of the foregoing table shall be reduced by ten dBA for residential receiving property.

At any time of the day or night the applicable noise limitations may be exceeded for any receiving property by no more than:

- (1) Five dBA for a total of fifteen minutes in any one-hour period.
- (2) Ten dBA for a total of five minutes in any one-hour period.
- (3) Fifteen dBA for a total of one and one-half minutes in any one-hour period.

Exemptions to the maximum permissible noise level cited in this chapter shall be as enumerated in WAC 173-60-050, Maximum Environmental Noise Levels Exemptions.

- (i) Odors. Any use producing odors shall be carried on in such a manner that offensive or obnoxious odors shall not be perceptible at or beyond the property line.
- (j) Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at any point beyond the property line.

17.40.070 Containment Within a Building.

In the I-1 Zone, all industrial uses including but not limited to manufacturing, processing, warehousing, distribution, and fabrication shall be carried out within a building. This provision does not prohibit open sales lots or outside storage in compliance with section 17.40.080.

17.40.080 Storage Areas.

All storage located on a lot abutting a residential or commercial zone shall be wholly within a building or enclosed by a sight-obscuring screen not less than 8' in height. All storage shall be kept in a manner so that it will not create a fire hazard or a nuisance. In the case of open storage of combustible material, a roadway shall be provided and maintained to permit Fire Department access at all times. This shall not be construed to prohibit open sales lots.

17.40.090 Construction code requirements.

All uses in the industrial zones must be in compliance with the applicable requirements of the state building code, fire code, mechanical code, and plumbing code except as may be provided in this chapter.

17.40.100 Fences and walls.

Fences and walls not exceeding eight feet in height may be permitted subject to the requirements of this section. Prior to construction or installation, all fences and walls will require a fence permit to be issued by Public Works and/or a building permit issued by the Building and Planning Department. Electric and barbed wire fences are prohibited, except that security fences containing barbed wire may be permitted subject to review by the building official regarding the safety of such a fence. All applications for permits to construct or install fences or walls shall be reviewed by the building official and city engineer for vehicular and pedestrian safety.

17.40.110 Stormwater and drainage.

- (a) 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 public works director.

A SHORTCOURSE



Department of Commerce

ON LOCAL PLANNING

A Short Course on Local Planning

Tuesday, April 23, 2019, 6:15 – 9:15 p.m.

Othello City Council Chambers, 500 East Main Street, Othello, WA 99344

Hosted by the City of Othello

Agenda:

- 6:15– 6:30 WELCOME AND INTRODUCTIONS.....Commerce**
- 6:30 – 7:00 THE LEGAL BASIS OF PLANNING IN WASHINGTON.....Ken Harper, Attorney at Law**
The statutory basis of planning in Washington State, and early planning statutes.
Constitutional issues in land use planning.
- 7:00 - 7:30 COMPREHENSIVE PLANNING BASICS.....Ben Serr, Planner**
What is planning, and why is it important? Overview of the Growth Management Act requirements for local planning. Ideas and tools for implementing and updating the comprehensive plan.
- 7:30 – 7:40 BREAK**
- 7:40 – 8:10 ROLES AND RESPONSIBILITIES.....Nicole Stickney, AICP, Planner**
Roles and responsibilities in the planning process. Legislative vs quasi-judicial decisions, tips for encouraging public involvement, best practices for effective meetings.
- 8:10- 8:50 OPEN GOVERNMENT LAWSKen Harper, Attorney at Law**
Open Public Meetings Act and Introduction to the Public Records Act. This training meets the requirements of RCW 42.30.205 requiring every member of a governing body to take Open Public Meetings Act training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role. Attendees will receive a certificate of training.
- 8:50-9:15 QUESTIONS AND ANSWERS.....All**

