



CITY OF OTHELLO PLANNING COMMISSION

Regular Meeting 500 E. Main St. June 19, 2023 6:00 PM

For those who would like to attend remotely, see virtual instructions at the end of the agenda

1. Call to Order - Roll Call
2. Public Input
3. Approval of April 17, 2023 Minutes p.3
4. Municipal Code Update – Fences – OMC 14.36 – Revisions p.6
5. Pegram Major Plat – Deferrals & Deviations - Recommendation to Hearing Examiner p.26
6. Sand Hill Estates Rezone/Comprehensive Plan Amendment – Introduction & Set Public Hearing Date p.45
7. Building & Planning Department Report
 - a. April 2023 p.64
 - b. May 2023 p.67
8. Old Business
 - a. Housing – We should look at further implementation possibilities from the [Housing Action Plan](#) (see attached) p.71
 - b. Columbia Street Local Improvement District (LID) – Nothing to report
 - c. Subdivision Update – OMC Title 16 – This should be the next big project for the Commission
 - d. Zoning Update – Home Occupations – OMC 17.59 – We will come back to this as time allows

Next Regular Meeting is Monday, July 17, 2023 at 6:00 PM

Remote Meeting Instructions:

Join Zoom Meeting

<https://us06web.zoom.us/j/81894213261?pwd=MjMwZ01Ubmdaai8xdlFua0dvd3dMUT09>

Meeting ID: 818 9421 3261

Passcode: 357731

One tap mobile

+12532158782,,81894213261#,,,*,357731# US (Tacoma)

+17193594580,,81894213261#,,,*,357731# US

Dial by your location

+1 253 215 8782 US (Tacoma)

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Meeting ID: 818 9421 3261

Passcode: 357731

Find your local number: <https://us06web.zoom.us/j/81894213261?pwd=MjMwZ01Ubmdaai8xdlFua0dvd3dMUT09>

Join by SIP

[81894213261@zoomcrc.com](https://us06web.zoom.us/j/81894213261?pwd=MjMwZ01Ubmdaai8xdlFua0dvd3dMUT09)

Join by H.323

162.255.37.11 (US West)

Meeting ID: 818 9421 3261

Passcode: 357731





City of Othello
Planning Commission
April 17, 2023
Zuleica Morfin

CALL TO ORDER

Chair Chris Dorow called the meeting to order at 6:06pm

ROLL CALL

Commissioners Present: Chair Chris Dorow, Brian Gentry, Daniela Voorhies, Kevin Gilbert

Absent: Alma Carmona

Staff: Community Development Director Anne Henning, Building and Planning Secretary Zuleica Morfin

Attendees: Bob Carlson; Citizen Alvarez was present on Zoom

PUBLIC INPUT - NONE

MINUTES APPROVAL

Discussion of March 20, 2023 minutes. It was noted that in the Landscaping discussion, on p.2, second to last paragraph, 1st sentence, that it should state "Planning Commission" rather than "City Council" for the intention to give as much freedom to homeowners as possible. March 20, 2023, minutes approved as corrected, M/S Gentry/Gilbert

MUNICIPAL CODE UPDATE – FENCES - OMC 14.36 - PUBLIC HEARING & RECOMMENDATION TO CITY COUNCIL

The residential fence code dates to 1979 and 2003, with a minor addition in the 2020 Zoning update to address location along alleys. Also in 2020, fencing provisions were added for Commercial and Industrial Zones. Recent organizational changes that shifted fence permit responsibility from Public Works to the Building & Planning Department have caused us to review our fence permit regulations and update the code at this time. The proposed changes were discussed at the August and October 2022 and March 2023 meetings, and now the Commission is holding a public hearing on potential changes to OMC 14.36 Fences, Walls, & Hedges; 17.30.100 Fences and Walls (Commercial Zones), and 17.40.090 Fences and Walls (Industrial Zones).

Commissioners discussed whether there should be a fee for a fence permit. There are costs to the city to have staff review and inspect fence permits. But maybe it is just a benefit that comes with living in the city? Commissioner Brian Gentry stated that the permit would be more formal if it had a fee. Community Development Director Anne Henning pointed out that we want people to get permits so we shouldn't add barriers to the permit process. Chair Chris Dorow suggested a small fee, maybe \$10. Ms. Henning mentioned that it is actually more costly to the city to collect a small fee than to have a free permit. The Commission concluded that it would be better to have no fee, but the Council could add a fee if they wanted.

Chair Dorow asked if sight distance is a problem. Ms. Henning felt it had been adequately addressed.

Commissioners discussed the language prohibiting residential fences in right-of-way. They concluded that 90% of existing fences already meet this requirement.

Chair Dorow opened the public hearing for comment at 6:25. There were no comments. Chair Dorow closed the public hearing at 6:27.

Motion approved to recommend the proposed draft to City Council, with no application fee. M/S Gilbert/Gentry

MUNICIPAL CODE UPDATE – LANDSCAPING - OMC 17.74 - PUBLIC HEARING & RECOMMENDATION TO CITY COUNCIL

Over the course of the May, June, and August 2022 meetings, the Commission reviewed the street tree requirement in OMC 17.74, especially related to Main Street and commercial remodels, at the direction of the Council. The consensus of the Commission was to require trees but not necessarily street trees, for new non-residential projects, and to not require trees for remodels and additions. This has been accomplished by modifying Table 1 in 17.74.030(c) and 17.74.050 to remove “Street” in front of “Trees”, clarify that trees are not required for nonresidential remodels and additions, and encouraging rather than requiring trees near the street by increasing the points in Table 3 (17.74.100) by 25% for trees within 10’ of right-of-way.

The other aspect of the landscape code the Commission discussed is that the current system where landscaping for a single family home can be deferred until a year after the Certificate of Occupancy is not working well, and they gave direction to draft changes which would require landscaping before the project is finished for all projects, including single family residential.

At the March 2023 meeting, the Commission reviewed their past discussions, and determined to proceed with a public hearing and recommendation to City Council.

Community Development Director Anne Henning brought up one other issue that has come up a few times just recently: Triplexes on standard lots cannot meet the requirement that 50% of the front yard be landscaped, due to the need for parking spaces. Chair Dorow stated that parking is more important than landscaping. Discussion about how to modify the requirements for triplexes and 4-plexes, with consideration of reducing the landscape requirement to 30 or 40% of the front yard. Chair Dorow stated that to address statewide housing needs, we need to make it easier to build triplexes and 4-plexes. Commissioner Daniela Voorhies suggested that the language just state that landscaping is required for all remaining front yard area after the parking requirement has been met. Commissioner Kevin Gilbert pointed out that language is as flexible as it can get.

Ms. Henning mentioned she had recently been in a new development in Moses Lake that was almost completed, and noticed they had rolls of sod and crews planting trees in the planter strips in front of all the new houses.

The public hearing on landscaping was opened at 7:02. There were no comments. The public hearing was closed at 7:03.

Motion approved to recommend the draft to City Council, with the exception language for triplex/4-plex. Voorhies/Gilbert

Chair Dorow said he would attend the City Council public hearing on both fences and landscaping.

OLD BUSINESS

Chair Dorow suggested that next meeting the Commission could maybe discuss Home Occupations as a smaller topic than Subdivisions. He said he has learned from discussing with others that Home Occupations is a more clear-cut issue than he had thought.

ADJOURNMENT

The meeting was adjourned at 7:22pm. Next regular meeting is Monday, May 15, 2023.

_____ Date: _____
Chris Dorow, Chair

_____ Date: _____
Zuleica Morfin, Building and Planning Secretary

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: June 19, 2023

SUBJECT: Municipal Code Update - Fences – OMC 14.36

After several months of review, in April 2023 the Planning Commission held a public hearing on changes to the fence regulations adopted in 1979. The Commission recommended updates to the City Council, who adopted the changes at the end of April. Since then, a few issues have come up that should be addressed, including the limitation on side yard fence height, fences within easements, and at what point a replacement fence needs to meet the new standards.

Staff Comments

1. In the discussion about fences in corner lots of side yards, language was added to limit the height to 3' when closer than 20' to the property line, the same as in a front yard. However, this severely limits the amount of backyard that can be enclosed, and is not consistent with what has been built in the past. See attached pictures of existing fences and locations requesting fences. At least 4 homeowners have come in for a permit in the last month, wanting to put up fences on corner lots. As currently written, a 6' fence on the side of a corner lot would not be allowed unless set back ~33' from the curb (~13' of ROW + 20' setback). Since the side setback for a house on a corner lot is only 10' to 15', depending on the zone, having a greater restriction on fences is obviously unreasonable. Staff recommends removing the recent changes to 14.36.030(a)(2) which added restrictions on corner lot side fence height.
2. Having language about fences in easements was discussed during the previous review but not added to the code. Most residential plats within the last 20 years would typically have a 10' public utility easement along the street frontage and some also have a 5' easement on the side and rear lot lines, which would significantly restrict fence locations on property lines. The attached draft update proposes language based on Moses Lake Municipal Code 12.28 Fences, Walls, and Hedges (MLMC 12.28.010.D). Staff could not find any discussion of fences in easements in the fence regulations of Ellensburg, Spokane Valley, Walla Walla, or Wenatchee.
3. An issue that came up near the end of review of the fence changes in April was if there should be a point where a replacement fence would need to meet the new standards. One proposal was that the new standards should be met if replacing more than 25% of the fence. 14.36.020(d) has been added to the draft for consideration. Staff could not find language related to replacement in the other fence codes reviewed, except that Moses Lake allows the Building Official to require repair or replacement of a fence when at least 25% of the street frontage is found to be deteriorated. In this situation, if the fence is ordered to be replaced, the new standards must be met. This requirement was because of significant changes in the code.

Attachments

- Ord. 1596 amending OMC 14.36 Fences, Walls, and Hedges (adopted April 24, 2023)
- Draft update to OMC 14.36 Fences, Walls, and Hedges
- Pictures of existing fences

Action: The Planning Commission should discuss the proposed changes to the Fence Regulations, OMC 14.36, and make recommendations to the City Council.



City of Othello
Washington
Ordinance No. 1596

**AN ORDINANCE OF THE CITY OF OTHELLO AMENDING FENCE REGULATIONS
IN CHAPTER 14.36 TITLED "FENCES, WALLS AND HEDGES",
SECTION 17.30.100 OF CHAPTER 17.30 TITLED "COMMERCIAL ZONES",
AND SECTION 17.40.090 OF CHAPTER 17.40 TITLED "INDUSTRIAL ZONES"
OF THE OTHELLO MUNICIPAL CODE**

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

Section 1. Amendment. Othello Municipal Code Chapter 14.36 titled "Fences, Walls and
Hedges" is hereby amended as follows:

Chapter 14.36

FENCES, WALLS AND HEDGES

Sections:

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

14.36.010 Definitions.

As used in this chapter:

- (a) "Corner lot" means a lot or plot of land located at the interior angle of two streets.

(b) "Fence" means any barrier erected, constructed or placed on a lot or plot of ground and includes hedges, masonry walls and ornamental constructions as well as the commonly known wire, board, wrought iron metal, wood, wood picket or wood rail fences.

(c) "Front street" means the street along the shorter platted frontage of a corner lot.

(d) "Hedge" means any vegetation serving as a fence or barrier including a row of closely planted shrubs, trees, bushes or other vegetation.

(e) "Height" means the distance measured above the street curb parallel to the fence line. For interior and alley fences, the height is measured above the average grade within five feet of the fence on the high side of the fence. (Ord. 1152 § 1 (part), 2003; Ord. 586 § 1, 1979).

14.36.020 Applicability.

(a) These regulations shall apply to fences and hedges for residential use.

(b) A fence permit is required prior to construction of a fence. A permit application and site plan shall be submitted to the Building & Planning Department for review and approval.

(c) A hedge must comply with the height limitations in relation to streets and alleys but does not require a permit.

(Ord. 1152 § 1 (part), 2003; Ord. 586 § 2, 1979).

14.36.025 Inspection.

(a) The permit requires a final inspection to verify that the fence was constructed generally as approved.

(b) The City shall not be responsible for verifying location of property lines. It is the responsibility of the person installing the fence or wall, or planting the hedge, to locate the property lines and ensure the fence, wall, or hedge is on the applicant's property.

14.36.030 Restrictions.

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

(a) Corner Lot. A maximum of six feet in height anywhere on a corner lot, except as follows:

(1) A maximum of three feet in height where closer than forty-five feet from the point of projected intersections of the street curb face;

(2) A maximum of three feet in height where closer than twenty feet from the front and side street property lines (right-of-way);

(3) A maximum of three feet in height where closer than thirteen feet from a point located by projecting the side street curb and the alley right-of-way.

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

(c) Public Right-of-Way. Fences shall not be allowed within public right-of-way. Property owners constructing or reconstructing a fence on public right-of-way shall provide a public-

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

(d) Driver Visibility. Sight distance standards in OMC 17.56.040 must be met for all fences, walls, and hedges. Property owners shall not allow a hedge to grow such that a visibility hazard is created for a driver of a vehicle on or entering onto public right-of-way.

(e) Fences along alleys shall be located completely on private property and at least ten feet from the alley centerline. (Ord. 1544 § 1, 2020; Ord. 1152 § 1 (part), 2003; Ord. 586 § 3, 1979).

14.36.040 Construction.

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

14.36.050 Barbed wire fences.

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

14.36.060 Electric fences.

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

14.36.070 ~~Swimming pool fences.~~

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

14.36.080 Rear yard access.

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

14.36.090 Deviations.

No deviation may be made from these regulations except with the written approval of the city planning commission, with the right of appeal to the city council. The property owner shall submit written request addressing the criteria below, along with a fee of \$300. The following criteria shall be established as grounds for deviation from the regulations set forth in this chapter:

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

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

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

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

14.36.100 Nuisance—Declaration.

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

14.36.110 Nuisance—Abatement.

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

14.36.120 Violation—Penalty.

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

Section 2. Amendment. Othello Municipal Code Section 17.30.100 of Chapter 17.30 titled “Commercial Zones” is hereby amended as follows:

17.30.100 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. A fence enclosing property may be required to have a gate with an approved lock box or lock installed for emergency vehicle access (Ord. 1547 § 4 (part), 2020).

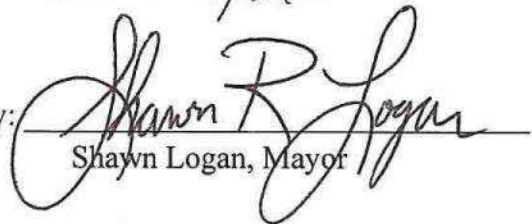
Section 3. Amendment. Othello Municipal Code Section 17.40.090 of Chapter 17.40 titled "Industrial Zones" is hereby amended as follows:

17.40.090 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. A fence enclosing property may be required to have a gate with an approved lock box or lock installed for emergency vehicle access (Ord. 1547 § 5 (part), 2020).

Section 4. Effective date. This ordinance shall be in full force and effect five days after its passage and publication of its summary as provided by law.

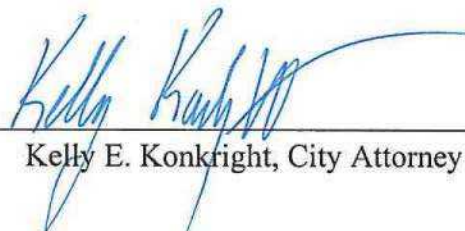
PASSED by the City Council of Othello, Washington this 24th day of April, 2023.

By: 
Shawn Logan, Mayor

ATTEST:

By: 
Tania Morelos, City Clerk

APPROVED AS TO FORM:

By: 
Kelly E. Konkright, City Attorney

PASSED the 24th day of April 2023

APPROVED the 24th day of April 2023

PUBLISHED the 3rd day of May 2023

Chapter 14.36

FENCES, WALLS AND HEDGES

Sections:

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

14.36.010 Definitions.

As used in this chapter:

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

14.36.020 Applicability.

- (a) These regulations shall apply to fences and hedges for residential use.
- (b) A fence permit is required prior to construction of a fence. A permit application and site plan shall be submitted to the Building & Planning Department for review and approval.
- (c) A hedge must comply with the height limitations in relation to streets and alleys but does not require a permit.
- (d) Replacement of more than 25% of an existing fence shall require compliance with these standards.

14.36.025 Inspection.

(a) The permit requires a final inspection to verify that the fence was constructed generally as approved.

(b) The City shall not be responsible for verifying location of property lines. It is the responsibility of the person installing the fence or wall, or planting the hedge, to locate the property lines and ensure the fence, wall, or hedge is on the applicant's property.

14.36.030 Restrictions.

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

(a) Corner Lot. A maximum of six feet in height anywhere on a corner lot, except as follows:

(1) A maximum of three feet in height where closer than forty-five feet from the point of projected intersections of the street curb face;

(2) A maximum of three feet in height where closer than twenty feet from the front ~~and side~~ street property lines (right-of-way);

(3) A maximum of three feet in height where closer than thirteen feet from a point located by projecting the side street curb and the alley right-of-way.

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

(c) Public Right-of-Way. Fences shall not be allowed within public right-of-way.

(d) Driver Visibility. Sight distance standards in OMC 17.56.040 must be met for all fences, walls, and hedges. Property owners shall not allow a hedge to grow such that a visibility hazard is created for a driver of a vehicle on or entering onto public right-of-way.

(e) Fences along alleys shall be located completely on private property and at least ten feet from the alley centerline.

(f) Fences shall be located to avoid placement over utilities. Fences may be allowed within municipal or utility easements, but the city or utility provider may require the property owner to remove the fence for installation, repair, or replacement of the improvement or utility line. As an alternative, the city or utility company may remove the fence. In no case is the city or utility provider obligated to reconstruct a fence built within an easement.

14.36.040 Construction.

Fences may be constructed of wood, masonry, iron, or similar in appearance, or grown as hedges. All construction is to be done in such manner as to leave no sharp or protruding ends, barbs or projections. Chain link or wire fencing shall not be allowed. Fences shall not be made of used materials such as pallets, conveyor chain, tin siding, rusted pipe, vehicle bodies or similar used materials.

14.36.050 Barbed wire fences.

Fences containing barbed wire shall be prohibited for residential use.

14.36.060 Electric fences.

Electric fence shall be prohibited.

14.36.080 Rear yard access.

Every fence built along or near the alley property line shall be provided with a gate at least three feet in width so as to provide accessibility to the rear of any lot in case of an emergency.

14.36.090 Deviations.

No deviation may be made from these regulations except with the written approval of the city planning commission, with the right of appeal to the city council. The property owner shall submit written request addressing the criteria below, along with a fee of \$300. The following criteria shall be established as grounds for deviation from the regulations set forth in this chapter:

- (a) Special circumstances applicable to the property in question or to the intended use that do not apply generally to other properties or classes of use in the same vicinity and zoning classifications;
- (b) A deviation is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and in zoning classification which because of special circumstances is denied to the property in question;
- (c) The granting of a deviation will not be materially detrimental to the public welfare or injurious to other property improvements in such vicinity and zoning classification in which the subject property is located;
- (d) That the granting of a deviation will not conflict with the general intent of this chapter.

14.36.100 Nuisance—Declaration.

All new fences hereafter erected in violation of the provisions of this chapter are public nuisances. Such fences are subject to being abated by any means permitted by this code or state law.

14.36.110 Nuisance—Abatement.

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

14.36.120 Violation—Penalty.

In addition to the remedy of abatement provided herein, any person, firm or corporation who suffers or permits any nuisance as herein defined to exist or remain upon his, their or its premises or under his, their or its control after having been notified by the code enforcement officer or building inspector to remove or abate the same is deemed to have committed a civil infraction as provided in this code and is subject to a penalty of up to one thousand dollars.



Olympia & 13th



Pine & 3rd



Olympia & 14th





4th Ave







10th





Gemstone



9th









TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: June 19, 2023

SUBJECT: Pegram Major Plat – Deviation & Deferral Requests – Recommendation to Hearing Examiner

Douglas and Vaughn Pegram have applied for a 135-lot residential subdivision west of SR24/Broadway and north of Bench Road. The application includes some requests for deviations and deferrals of street and utility standards. OMC 16.40 sets up the process to deviate from standards and defer improvements.

Staff Comments

1. The Commission is reviewing only the deviation and deferral requests, to make a recommendation on whether each should be approved or denied. The major plat itself is reviewed and approved by the Hearing Examiner after a public hearing. The Hearing Examiner will also hold a public hearing and make a recommendation to Council on the requested development agreement for phased completion of final plats.
2. The process for deviations and deferrals specified in the Municipal Code has inconsistencies with the actual process we use currently. When Development Code Administration (Title 19) was adopted in 2009, Subdivisions (Title 16) was not updated to reflect the Hearing Examiner taking on quasi-judicial decisions such as major plat approvals. Therefore, we mesh the two codes as best we can until we update the Subdivision title to correct the inconsistencies. The most logical process for now is that the Planning Commission still provides a recommendation, which is forwarded to the Hearing Examiner to review along with the plat, rather than the former process where the City Council received the recommendation on deferrals and deviations to consider along with the plat.
3. Several deviation requests that were made are not needed. See below for explanations.
4. Engineering and Planning staff are in agreement that the request to defer sidewalk construction should not be approved. See discussion in the table below.
5. Engineering and Planning staff are in agreement that the remaining 2 deviation requests are acceptable and staff recommends approval. Similar requests have been approved for other developments.
6. There is one additional waiver that was identified by staff during the review. See table below.
7. OMC 16.40 requires specific findings by the Planning Commission about the nature of the site or the area that justify granting the deferral. See staff recommendations.
8. Identified improvements or design waivers or deferrals needed to meet Municipal Code and/or Public Works Design Standards for this site are as follows:

Requirement	Developer's Proposal	Notes
66' ROW for neighborhood streets. OMC 16.29.100 & 2022 Public Works Design Standards Detail A-1	60' ROW for residential streets.	This deviation has been approved for recent phases of Sand Hill Estates. There is no need for the extra 6' of ROW. When the code & PWDS are updated, this requirement will be corrected.
Any lot on a neighborhood street shall not be more than 1000' to the nearest collector. OMC 16.29.100 Note 3	Allow lots to be farther than 1000' to a collector street.	No distances were provided, but the only collectors or higher classification in the area are SR24/Broadway & Bench Rd. Extending collectors into this area wouldn't make sense since it is constrained by the canal to the west and the railroad to the northwest.
Street and utility improvements are to be completed and accepted prior to recording the final plat.	Allow sidewalks to be completed prior to C of O for each lot, but not later than when 75% of lots are sold, and in no case beyond 2 years of plat recording date for each phase. Rationale is that if constructed prior to building permit, the sidewalks will be destroyed by the home construction, requiring replacement.	City Engineer does not support this request. Sidewalks completed before house construction have not been a problem and can be solved by the contractors taking a little care. Having numerous individual concrete pours will result in a reduced quality of the finished product.
Dead-end streets less than 150' long require a 60'-diameter turn around. OMC 16.29.050	Not addressed by developer.	Because the dead-end streets being left are short (the longest is 108.7') and only serve 1 house each, staff feels a turn-around is not needed and that barricades are adequate. Creating a gravel turnaround at the end of the street would open it up more to vehicles cutting across undeveloped land,

Requirement	Developer's Proposal	Notes
		while barricades will reduce this. The Fire Chief commented that Fire Code would require a turn-around for a street longer than 150'. Staff recommends that the turnaround requirement be waived.

9. Several requests that were made are not needed. These are:

Request	Explanation
Deferral to install landscaping within 1 year after Certificate of Occupancy.	The 1-year time frame to install landscaping for single family dwellings is already allowed by OMC 17.74.150.
Deferral to pay connection and impact fees until the time of final plat approval for each phase and/or the issuance of a building permit for each residence.	This is standard practice in Othello. Connection fees are collected at the time of the building permit on each lot. The MDNS specifies that the water rights fee can be paid as each building permit is issued.
Deferral to pay Park Fees on a per-lot basis when building permits are issued for each residence.	This has been done for most or all recent past developments. The MDNS specifies that the park fees may be paid as each building permit is issued.

Attachments

- OMC 16.40
- Project Narrative Description. Deviation & Deferral requests start on the bottom of p.2
- Vicinity Map
- Preliminary Pegram Major Plat, revised Sheet 2 rec'd 5-17-23

Staff Recommendation: Staff recommends the following:

1. The request for 60' ROW width on neighborhood streets should be approved. The extra ROW is not needed now that the constructed width of the street has been reduced. The code will be corrected in the next update to eliminate this conflict on future developments.
2. The request for some lots to be farther than 1000' from a collector street should be approved. Given the physical constraints to access in the area (canal and railroad), additional collector streets are not needed.

3. The request to pour sidewalks as each house is finished should be denied. Allowing multiple separate concrete pours would result in an inferior finished product as well as complicating the acceptance timeline for the improvements. Other developments in Othello have not had any issues when sidewalks were constructed before final plat approval.
4. The waiver of turnaround provisions at dead-end streets less than 150' long should be granted, with the condition that barricades should be placed at the end of these streets. It would be an unnecessary hardship to require a turnaround when it is not needed, and could lead to trespassing and vehicles driving across undeveloped property.

Action: The Planning Commission should discuss each deviation, deferral, or waiver request and make a recommendation on each to the Hearing Examiner. The Commission should make findings of fact to support each 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).

Project Narrative Description and Concurrency Statement

APR 11 2023

Pergram Preliminary Major Subdivision
(CNWE Project # 1-21-034)

OTHELLO BUILDING & PLANNING

Date: April 10, 2023**Project #:** CNWE Project # 1-21-034**Applicant:** Douglas Pegram

2484 S. Broadway Avenue
Othello, WA 99344-9331
Phone: (509) 793-4439
E-Mail: dugxinc@yahoo.com

Owner: Douglas Pegram & Vaughn Pegram

2484 S. Broadway Avenue
Othello, WA 99344-9331
Phone: (509) 793-4439
E-Mail: dugxinc@yahoo.com

Project Engineer: Del Green, PE.

Columbia Northwest Engineering, P.S.
249 N. Elder Street
Moses Lake, WA 98837
Phone: (509) 766-1226
E-mail: Del. L. Green@cnweng.com

CNWE Project Manager: Seth Bishop, LPS

Columbia Northwest Engineering, P.S.
249 N. Elder Street
Moses Lake, WA 98837
Phone: (509) 766-1226
E-Mail: Seth.Bishop@cnweng.com

Project Description: The owner's intent is to develop a single-family residential subdivision consisting of 135 SFR Lots on 28.01 acres to be developed in four (4) Phases. Two (2) Tracts, Tracts A & B will be dedicated / conveyed to the City of Othello for access to the City well site / property.

Phases: Phase 1: Lots 56
Phase 2: Lots 24
Phase 3: Lots 28
Phase 4: Lots 27

Vehicular access is proposed from the existing street system. Access to lots within the subdivision will be via individual driveways onto internal streets and the connection of internal streets, east, to Broadway (SR-24) via the existing Summit Road and via existing dedications / easement (Washington Trust Short Plat 2013) providing access, to the south, connecting to Bench Road.

New streets will be constructed concurrent with each Phase of the Subdivision to adequately serve each phase of the subdivision as each phase is developed. New streets will be constructed to meet City standards and requirements. Storm Water Drainage and Control (disposal) will be provided on-site in conformance with City of Othello Standards and the Standards and Requirements of the Eastern Washington Storm Water Manual. Street lighting will be provided in compliance with City standards and requirements. Landscaping and Street Trees will be provided in conformance with applicable City Landscape Regulations. Electrical power will be sourced from the electrical service provider for the area - Avista or Big Bend Electrical Cooperative.

The subdivision will be served with City water and sanitary sewer. City Water is available at the site. Gravity sewer within the subdivision will drain to an on-site sanitary sewer pump station. The Developer will construct an on-site sanitary sewer pump station and a 4" diameter sanitary sewer force main from the current off-site terminus of city sanitary sewer to serve the development.

City Property Island: The subdivision contains an island of property owned by the City of Othello that is the site of a City Well. The parcel is 1.17 acres in size. The parcel is identified as APN: 1529031042163. This parcel is an exception to this Subdivision and is not included in this Subdivision. Access to the City Well House site from internal subdivision streets will be provided via existing and proposed easements, dedications, and conveyances to the City.

Dedications to the City: An intervening strip of land (Tract B) 4,458 square feet adjacent to the north boundary of the City Well site (property) will be dedicated to the City with this Subdivision adjacent to and fronting upon the proposed street system. An easement/ dedication (Tract A) to the City is also provided facilitating access through the subdivision to the City Well Site / Property.

Request for Developer Agreement for Subdivision Phasing: Pursuant to RCW 36.70B.170 - .210 The Property Owner / Developer is requesting a Development Agreement between the property owner and the City for the Phasing of the development of the subdivision over a 10-year period of time following Preliminary Subdivision Approval.

Request for Subdivision Deviations and Deferrals:

The property owner / developer is requesting the following Subdivision Deferrals and Deviations based upon Pre-Application Meeting comments from the City. These requests are submitted under the assumption that they are still required and are applicable to the project.

Deviations and Deferrals:

1. Deviations to current requirement for 66-foot-wide residential street width to allow a 60-foot residential street width.

Rational:

City Pre-Application 2nd Review Staff Comments #2: "Sand Hill Estates #4 was approved with 60' ROW, and staff would support a deviation request for reduced street ROW width. I expect this reduction will be discussed in the next update to the Public Works Design Standards."

2. A Deviation to current lot / collector street to allow a separation distance greater than 1000'.

Rationale:

City Pre-Application 2nd Review Staff Comments #13: OMC 16.29.100 Note 3 requires any lot on a residential street to be no more than 1000' to the nearest collector. If any of the lots don't meet this standard, a deviation will be required. Due to the location, this seems like more of a technical requirement than a logical one, so I believe staff would support this deviation.

3. Deferral to allow Sidewalk construction to be completed within this plat prior to final Certificate of Occupancy being issued for each lot, but not later than 75% of the lots are sold, and in no case beyond 2 years of the date of the final plat being filed for each subdivision phase.

Rational: If constructed prior to issuance of Building Permits, the sidewalks will be destroyed by heavy equipment associated with SFR home Construction, requiring unnecessary and untimely replacement resulting in less affordable home ownership opportunity.

4. Deferral to install landscaping within One (1) year after the issuance of a Certificate of Occupancy.

Rational: If street landscaping is installed prior to issuance of Building Permits, the landscaping will be destroyed by heavy equipment associated with SFR home Construction, requiring unnecessary and untimely replacement resulting in less affordable home ownership opportunity.

5. Deferral to pay identified Subdivision Fees (Connection and Impact Fees) stipulated as a condition of Preliminary Subdivision approval until the time final plat approval for each subdivision phase and / or of issuance of a Building Permit for each residence and prior to the issuance of a Certificate of Occupancy, as may be applicable.

Rational: Said Payments will be paid on a per lot basis when actual impacts resulting from the occupancy of a Single Family Residential occur.

6. Deferral to pay the Park Fees on a per lot basis when building permits are issued for each residence.

Rational: Said Payments will be paid on a per lot basis when actual impacts resulting from the occupancy of a Single Family Residential occur.

Request for Establishment of Reimbursement Agreement (Latecomers Agreement), If Applicable.

The proposed sanitary sewer pump station and 4" force main is intended to only serve this subdivision. It is assumed that the City of Othello will participate in any oversizing of the system that might be required by the City to serve additional properties in the area. If applicable, pursuant to OMC Chapter 16.52 Reimbursement Agreements, the developer / property owner is requesting that the City authorize the establishment of a Reimbursement Agreement (Latecomers Agreement) subsequent to Preliminary Subdivision approval for any sanitary sewer improvements constructed by the property owner / developer required by the City that will / would benefit other properties.

Sitis / Location:

City of Othello, WA: Off-of Bench Road.

(See Attached Preliminary Plat Maps and Legal Descriptions).

Site Size / Total Acres: 28.01 Acres

Total Lots: 135

Proposed Minimum Lot Size: 6,000 Sq. Feet

Proposed Average Lot Size: 6,358 Sq. Feet.

Street / Dedications: Internal Street dedications with this subdivision will total 9.28 +/- acres.

Allowed SFR Density: 1 SFR Dwelling Unit / 5,000 Sq. Ft. / City of Othello, R-3 Zone District.

Assessor's Parcel #s / Legal Descriptions:

APN: 1529032780003: Lot 3, Washington Trust Short Plat, (13.55 Acres).

APN: 1529031040005: Parcel 1, Beus Short Plat (1.97 Acres).

APN: 1529032780004: Lot 4, Washington Trust Short Plat, (8.45 Acres)

APN: 1529032780001 Lot 1, Washington Trust Short Plat, 5.99 Acres

Previous Platting of the Proposed Subdivision Site:

The site has been previously (historically) subdivided (platted) and resubdivided (replatted) via the following Subdivisions: The Washington Trust Short Plat; The Beaus Short Plat; and, the Buck Commercial Plat.

Adjacent Off-Site Street Connection to SR 24: The existing adjacent segment of Summit Street (60 feet in width) was dedicated to the public between Lots 3 & 4, of the Buck Commercial Plat.

Adjacent Street Connection to Bench Road: There are existing platted adjacent individual lot common driveways / easements providing vehicular access to Bench Road. Street right-of-way providing subdivision access to Bench Road will be dedicated with this subdivision.

Section: 09 **Township:** 15 N **Range:** 29 EWM

City of Othello, Adams County, Washington

FEMA / FIRM Status: The property is not located in a Designated Flood Hazard Area. The property is located in an area designated by FEMA as an area of Minimal Flood Hazard - Zone X. Map Panel: 53001C1025D (1-16-2009).

Zoning: R-3, Residential District (City of Othello, WA)

Comprehensive Plan Land Use Designation: Residential.

Water: The development will be served via connection to existing City water main(s) serving the site and area. The existing water mains and services in the development area will be relocated as necessary, to accommodate the subdivision layout. Water mains internal to the subdivision will be looped through the subdivision connecting with the existing water main(s) serving the site.

Sanitary Sewer Service:

Sanitary Sewer service will be sourced from the City of Othello. Gravity sewer within the subdivision will drain to an on-site sanitary sewer pump station. The Developer will construct an on-site sanitary sewer pump station, and a 4" diameter sanitary sewer force main to serve this subdivision from the current off-site terminus of the city sanitary sewer system.

Power: Electrical service to the site will be provided by Avista or the Big Bend Electric Cooperative.

Site Characteristics: The property is currently characterized as highly disturbed vacant undeveloped land with small, isolated patches of highly disturbed native vegetation.

Vicinity Characteristics:

The vicinity and adjacent properties are characterized with the following activities and uses and zone district designations:

North: Vacant Land and Public / Commercial Beyond. Othello School District Buss Garage, Shop and Offices.
Zoned: City of Othello: Light Industrial

East: Developed and Vacant Land and Activities.

Zoned: City of Othello: Light Industrial

South: Vacant Land / Developed Large Lot Residential and Bench Road.

Zoned: Commercial from City Limits to adjacent to Bench Road.

West: Vacant Land

Zoned: Adams County Jurisdiction: Commercial from City Limits to Canal.

Slope: Typical slopes are in the range of 0 to 2%.

Topography: The site is generally flat sloping with 0 to 2% slopes from the east to the west from elevation 1029 at the northeast corner of the site to elevation 1013 at the southwest corner of the property. The site is not located in a geologically hazardous area and does not contain slopes over 15%. The site slopes down from the southeast corner to the northwest corner of the site.

Northwest Corner Site: 1,006

Southwest Corner Site: 1,013

Northeast Corner Site: 1,029

Southeast Corner site: 1,030

Farm Unit: The property (Subdivision Site) is a Portion of Farm Unit 127, Block 45, East Columbia Irrigation District. Historically, the property (site) has not been farmed and is characterized with Class 4 and Unclassified soils not suitable for agricultural production. There is no USBR / ECBID irrigation infrastructure located within the Subdivision Site.

Soils: Soils on-site are classified as:

EpA: Ephrata sandy loam, 0 to 2 % slopes.

EpB: Ephrata sandy loam, 0 to 5 percent slopes.

ScA: Sagemoor silt loam Compact substratum, 0 to 2 % slopes.

SoD: Scooteney stony loam, 0 to 15% slopes.

Source: NRCS National Cooperative Soil Survey

USDA Irrigated Land Capability Classification:

20 % of the site is Classified as Class 1 Soils (ScA). Class 1 Soils are determined to have few limitations that restrict agricultural production.

50% of the site is Classified as Class 4 Soils (EpA & EpB). Class 4 Soils have severe limitations that reduce the chance of plant growth or that require careful

management, of both.

30% of the Site Soils are Not Classified (ScD) for Agricultural production having limitations that restrict agricultural production.

Impervious Site Coverage: After development, approximately 25% to 30% will be covered with asphalt for roads and concrete for sidewalks, house pad sites and driveways.

Storm Water: Storm water (rain and snow melt) currently infiltrates into on-site soils. Development of the property will result in impervious surfaces including streets, driveways, and structures (single family residences). Storm water will be retained, treated, and disposed of on-site via ground infiltration in conformance with City of Othello and Eastern Washington Storm Water Manual Drainage Standards. Storm water generated from impervious street surfaces will be channeled by gutter flow to catch basins, and storm water retention ponds for disposal on-site via ground infiltration. Storm water infrastructure will be designed for a twenty-five (25) year storm event. Storm water generated from roofs will be disposed of on-site via infiltration into on-site soils within individual lots.

Fire Protection: Water mains will be extended through the Plat to provide required fire flow. Fire protection will be provided in conformance with requirements of the City / Adams County Fire District #5.

Parks: No dedication / development of Park land within the development is proposed. Pursuant to MLMC 17.34, the property owner / developer will make payment for the required parks and public lands fees in lieu of dedication of land for public parks and open space. The owner's preference is to provide payment of a parks fee in lieu of dedication of land for a public park. The developer believes that investing in the existing city parks and development of those parks will have greater benefit to the community. There is an existing undeveloped park a little to the north (on Park Street), fees in lieu of dedication could provide a start to improving this park in support of the efforts to enhance the existing City Park system.

Grading: No off-site fill is needed. Grading, site preparation, cut and fill, and trenching / backfill will occur for road, wet and dry utilities, and lot / site preparation. Grading (cut and fill) is estimated to be in the range of a total of 70,00 cubic yards including 35,000 cubic feet of cut and 35,00 cubic feet of backfill. Grading will be necessary for the proposed roads. Trenching for water, sewer improvements and on-site storm water control infrastructure. Streets will closely conform to the existing topography minimizing the amount of excavation required. Balanced grading and filling across the site will occur with road construction, site grading and landscaping in conformance with all applicable requirements of local, state, and federal regulations and applicable street and utility construction plans. On-site grading will result in a near zero site soil balance. Fill soils will not be imported. Only under pavement gravel will be imported onto the site.

Shoreline Management Act: There are no shoreline environmental Designations within the Site or General Vicinity. The Shoreline Management Act does not apply.

Geologically Hazardous Areas: The site is not located in a designated geologically hazardous area and does not contain slopes over 15%.

Resource Lands: The project site does not contain any agricultural, forest or mineral resource lands of long-term economic significance. The site is located within the City of Othello in an area designated for residential development.

Cultural Resources: There are no known landmarks or evidence of historic, archaeological, scientific, or cultural importance on the site. Development of the properties will be in conformance with applicable local, state, and federal regulations and any requirements of the City of Othello.

Wellhead / Aquifer Recharge Protection Area: The subdivision is located within the Water Service area of the City of Othello. A City of Othello water well is centrally located within the area of the subdivision on an island of property owned by the City of Othello that is not included within this subdivision. The well is a part of the water supply system for the City of Othello. An existing 100-foot radius well head protection / sanitary control zone is delineated with this subdivision.

The SWAPP (Washington State Department of Ecology Well Head Protection Map) identifies aquifer protection areas and recharge areas related to Municipal Water Systems and Group A Water Systems and wells located in the area. Portions of the property proposed for this Single-Family Residential Subdivision are located within designated Aquifer Recharge Protection Areas associated with the subject City well. A site Assessment Report has not been proposed for this development. A Site Assessment Report is not required for single family residential development. Aquifer protection for Single Family Residential Development is mitigated by compliance with the applicable local, state, and federal Zoning, Land Use, and Environmental Regulations. Activities and uses having the potential to negatively impact ground water resources are prohibited in the areas zoned for residential development. Covenants, as may be applicable, will be executed to insure the protection of the well head sanitary control area (100-foot diameter around the well head). Storm water will be retained, treated, and disposed of on-site via ground infiltration in conformance with City of Othello and Eastern Washington Storm Water Manual Drainage Standards. Compliance with adopted Land Use and Environmental Regulations will mitigate any potential impacts to ground water resources.

Critical Areas: The City of Othello 2nd Review Pre-application Meeting Comment #11 indicates the following: "I believe you have addressed habitat issues; there may still be requirements for wetland, aquifer recharge, and / or cultural Resources".

Specific Topics identified by the City include the following items:

Priority Habitats and Species: The Washington State Department of Fish and Wildlife Priority Habitat and Species Maps indicate the presence of isolated small patches of remanent Shrub Step vegetation on the site.

Source WDFW Priority Habitat and Species Maps

Response: There are small patches of isolated remnant Shrub Steppe vegetation on the site. Historically, the site has been highly disturbed. Given the highly disturbed and degraded nature of the natural vegetation and remanent

shrub-step vegetation on the site, the existing isolated patches of shrub-step vegetation have very little function or value.

The development of the site will result in the removal of the existing small remnant patches of Shrub Step vegetation on the site. Given the lack of function and value of the remnant patches of Shrub-Step vegetation on the site, as evidenced by visual reconnaissance of the site and aerial photographs, no Mitigation is proposed. The City's Critical Areas Regulations appear to not require any mitigation measures applicable to this development.

Wetlands: The National Wetlands Inventory Maps indicate a small wetland area within the site. The wetland area is identified as a freshwater emergent wetland area (PEM1C).

Source: National Wetland Inventory Map.
WA. ST. Priority Habitats and Species Maps

Anecdotally, City of Othello staff has opined that that the small wetland area appears to be an erroneous designation and appears to have resulted from historical leaks from the City of Othello well and water main located within the surrounding development area. The leaks have been repaired. The wetland is no longer present on the site and appears to have been artificially created resulting from a persistent water main leak.

Priority Habitats and Species Report: (See the Attached Report by Ecosystems Northwest, dated 6/7/2022)

Ecosystems North West conducted a Shrub Steppe analysis on the above referenced parcel in Adams County, WA. The purpose of the survey was to determine the presence / absence of Priority Habitats on the site in compliance with the City of Othello Critical Area Code (GCCAC). Shrub Steppe habitat is an identified priority habitat by Washington State and identified in the city of Othello Critical Area Ordinance (OCAIO) 13.11.

*Conclusion and Recommendation: "This 27 acre site located within the city limits of Othello with development on three sides and availability of utilities to it and surrounding area has less than 5% native vegetation and would not be considered critical habitat and not regulated under the city of Othello Critical Area Ordinance."
By Dennis Beich*

Landscaping / Screening: A Landscape / Screening Plan for the Subdivision will be submitted after Preliminary Subdivision Approval. Landscaping, Street Trees, and Screening between residential and adjacent light Industrial and commercial uses will be provided in conformance with applicable landscape regulations and standards.

Parking: 270 on-site parking spaces at the rate of two spaces per lot will be provided pursuant to the City of Othello Parking Regulations. Additional on-street parking will be provided on both sides of internal residential streets.

Vehicular Trip Generation (ADT):

The 11th Edition ITE Trip Generation Manual for single family residential uses and activities suggests an ADT of 9.43 trips per day per residence. As a residential development, the subdivision is estimated to generate a total of 1,310.77 +/- residential ADT.

Total ADT and Peak Hour (PH) Trips generated by the subdivision are as follows:

Trip Generation Residential			
Residential SFR Lots	Total Residential Units	Average Daily Traffic (ADT) 9.43 / SFR	Peak Hour Volume (PHV) Est. 10%
135	135	1,273.5	128

Peak hour traffic volume would be one hour between 7 and 9 a.m. with 90% exiting and 10% entering and one hour between 4 and 7 p.m. with 90% entering and 10% exiting. Peak hour vehicular trips would be approximately 128 vehicle trips.

Streets / Access:

Vehicular access to lots within this subdivision will be via individual driveways from internal streets connecting to SR 24 via the existing off-site Summit Drive, and via the construction of a new street segment connecting the Subdivision to Bench Road. Street improvements will be constructed to applicable Residential Street standards and requirements of the City as required concurrent with the development of each Subdivision Phase.

Internal Streets: Internal streets are classified as "Residential Streets". New streets will be constructed to City of Othello Residential Street Standards including paved travel way(s), curbs, gutters, sidewalks, street trees, planter strips, stormwater drainage and Street lighting concurrent with each Phase of subdivision development. The proposed residential street right-of-way width is 60.

Summit Street: Summit Street will be improved internally (within the subdivision) in conformance with applicable City Residential Street Standards and Requirements and connect to the existing adjacent Summit Street segment connecting to SR-24. Internal Summit Street improvements will include paved travel way(s), curbs, gutters, sidewalks, street trees, planter strips, stormwater drainage, and street lighting.

Bench Road Access New Street Segment:

A new internal street segment will be constructed connecting the Subdivision to Bench Road. The existing access connecting to Bench Road is included in the existing platted ownership of the development site. Bench Road is a County Road. Bench Road is classified by WSDOT as a Major Urban Collector. Adams County has adopted this Classification for Bench Road. The new internal street segment connecting the subdivision to Bench Road will be constructed to City Residential Street Standards and will include paved travel ways, curbs, gutters, sidewalks, storm water drainage, planter strip, street trees and street lighting. Access connections to Bench Road will be in conformance with applicable standards required by the City of Othello and /or applicable Jurisdictional Agencies.

Bench Road is a two (2) lane BST County Road with a borrow ditch on both sides. There are no curbs, gutters, sidewalks, street lighting, or storm water drainage control infrastructure. The Bench Road Subdivision access intersection will be located approximately 800+/- feet to the east of the intersection of SR-24 (Broadway Avenue) and Bench Road. The intersection of Bench Road and SR-24 is a 4-way roundabout controlled intersection constructed by WSDOT in 2020.

SR- 24: The WSDOT Functional Classification of Bench Road is "Urban Minor Arterial". SR 24 is a State Highway that runs between the interchange with Interstate 82 in Yakima and SR 26 in Othello. SR 24 is a two-lane, undivided highway with several designated left turn lanes just south of Othello. A Roundabout has recently been constructed by the WSDOT at the intersection of Bench Road and SR 24 resulting in safety improvements at the intersection and the alleviation of congestion at the intersection. Average Annual Daily Traffic ranges between a high of 8,676 AADT to a low of 1,000 (AADT). The intersection of Bench Road and SR-24 is a 4-way roundabout controlled intersection constructed by WSDOT in 2020.

Traffic Routes:

Route 1: South to Bench Road and Points beyond to the west and east to the intersection of Bench Road and SR-24 (Roundabout).

Total Project ADT: 1,274

Total Project PHVT: 128

50% ADT: 636

50 % Peak Hour Vehicle Trips: 64 PHVT

Route 2: West via Summit Road to SR-24 and Points beyond North to the City of Othello and south.

Total Project ADT: 1,274

Total Project PHVT: 128

50% ADT: 636

50 % Peak Hour Vehicle Trips: 64

Public Transportation: People To People

Utility Services & Providers: The site is currently served with the following utility and public services.

- Electricity: Avista or Big Bend Electrical Cooperative.
- Water: City of Othello
- Sewer: Sanitary Sewer Service will be extended to serve the site.
- Phone: Century Link
- Irrigation Water: City of Othello
- Refuse Service: Consolidated Disposal Services
- Cable Service: Northland Cable
- Othello School Dist. No. 161
- Fire / Emergency Services: Adams County Fire District #5
- Police Service: City of Othello

Signature

Signature: _____

Name of signee: _____

Date: _____



PEGRAM MAJOR PLAT

LOT 1, 3, AND 4, WASHINGTON TRUST SHORT PLAT, A PORTION OF FARM UNIT 127, BLOCK 45, C.B.P., A PORTION OF THE SOUTHEAST 1/4 OF SECTION 09, TOWNSHIP 15 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, ADAMS COUTNY, WASHINGTON.

Columbia NW Engineering, PS
engineering - planning
249 North Elder Street, Moses Lake, WA 98837
Ph: 509-766-1228 Fax: 509-766-6754



CNW

PEGRAM MAJOR PLAT

FOR: DOUG PEGRAM
2484 S BROADWAY AVE, OTHELLO, WA 99344

AKH
DRAWN BY
SRB
Q.A. REVIEW
5/12/2023
PLOT DATE
1"-100'
PLOT SCALE
1-21-034
PROJ. NO.
REVISION NO.
SHEET 2
OF 3

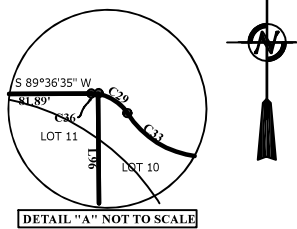
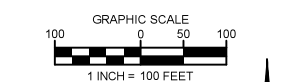
LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°46'50" E	57.13
L2	N 00°20'47" W	111.50
L3	S 89°46'50" E	61.25
L4	S 00°20'47" W	111.50
L5	S 89°46'50" E	3.00
L6	S 01°02'03" W	18.03
L7	N 00°17'35" W	19.50
L8	N 03°10'27" W	100.23
L9	S 89°46'50" E	62.14
L10	S 89°46'50" E	52.89
L11	N 00°23'25" W	172.27
L12	N 01°33'17" W	98.57
L13	S 89°46'50" E	115.03
L14	N 00°23'25" W	93.15
L15	S 89°46'50" E	118.38
L16	N 00°23'25" W	103.40
L17	N 00°24'55" W	90.93
L18	S 89°47'28" W	180.00
L19	N 89°47'28" W	31.91
L20	N 89°47'28" W	60.00
L21	S 00°10'38" W	111.04
L22	S 89°36'35" W	534.80
L23	N 00°10'38" E	110.38
L24	S 00°23'25" E	60.00
L25	N 00°23'25" E	49.63
L26	S 00°23'25" E	108.63
L27	S 89°36'35" W	103.00
L28	S 00°23'25" E	338.08
L29	S 89°36'35" W	85.82
L30	S 89°36'35" W	85.03
L31	S 89°46'50" E	84.23
L32	S 89°46'50" E	534.83
L33	N 00°12'34" E	75.00
L34	S 00°12'34" W	245.54
L35	S 00°12'34" W	76.87
L36	S 00°12'34" W	72.00
L37	S 89°46'50" E	65.07
L38	S 89°46'50" E	59.10
L39	S 89°46'50" E	55.00
L40	S 89°46'50" E	65.52
L41	N 00°23'25" W	88.53
L42	N 00°23'25" W	88.53
L43	N 76°43'36" E	66.68
L44	N 76°43'36" E	35.61
L45	S 00°23'25" E	86.08
L46	S 00°23'25" E	86.19
L47	N 89°36'35" E	55.00
L48	N 89°36'35" E	55.00
L49	N 89°36'35" E	59.01
L50	N 89°36'35" E	65.00
L51	N 89°36'35" E	65.52
L52	N 89°36'35" E	72.26
L53	N 89°36'35" E	93.00
L54	N 00°23'25" W	62.11
L55	N 00°23'25" W	75.97
L56	N 00°23'25" W	75.00
L57	N 00°23'25" W	75.00
L58	N 00°23'25" W	50.00
L59	N 89°46'50" W	92.93
L60	N 89°46'50" W	103.01
L61	N 89°46'50" W	93.01
L62	N 89°46'50" W	103.01
L63	N 89°46'50" W	103.01
L64	N 89°46'50" W	103.01
L65	N 89°46'50" W	103.01
L66	N 89°46'50" W	103.01
L67	N 89°46'50" W	103.01
L68	N 89°46'50" W	93.08
L69	S 89°46'50" E	92.93
L70	S 89°46'50" E	103.01

CURVE TABLE

CURVE	RADIUS	CHORD L	CHORD BEARING
C1	10.00	14.22	S 44°54'52" W
C2	10.00	14.07	S 45°05'08" E
C3	24.97	13.66	N 66°14'08" E
C4	47.00	76.59	N 75°59'47" W
C5	47.00	65.73	N 22°56'24" E
C6	47.00	48.62	S 80°08'34" E
C7	199.98	106.41	S 14°54'52" E
C8	10.00	14.22	S 44°54'52" W
C9	10.00	14.14	N 44°36'35" E
C10	10.00	14.07	N 45°05'08" W
C11	10.00	14.14	S 45°23'25" E
C12	10.00	14.14	S 44°36'35" E
C13	10.00	14.22	N 44°54'52" E
C14	10.00	14.07	S 45°05'08" E
C15	10.00	14.22	S 44°54'52" W
C16	10.00	14.07	N 45°05'08" W
C17	10.00	14.22	N 44°54'52" E
C18	10.00	14.07	S 45°05'08" E
C19	10.00	14.22	S 44°54'52" W
C20	10.00	14.07	N 45°05'08" W
C21	10.00	14.22	N 44°54'52" E
C22	10.00	14.07	S 45°05'08" E
C23	10.00	14.22	S 44°54'52" W
C24	10.00	14.07	N 45°05'08" W
C25	10.00	14.22	N 44°54'52" E
C26	10.00	14.07	S 45°05'08" E
C27	10.00	14.22	S 44°54'52" W
C28	18.00	14.08	N 28°52'23" W
C29	18.00	14.77	S 56°48'47" E
C30	10.00	14.07	S 44°53'37" W
C31	10.00	14.21	N 45°08'23" W
C32	40.00	63.55	S 00°51'36" E
C33	40.00	59.30	N 80°25'50" W
C34	199.98	17.38	S 27°19'59" E
C35	23.00	16.03	S 89°23'14" E
C36	18.00	2.94	N 85°42'35" W
C37	10.00	13.97	S 45°32'58" E

LOT COUNT
THERE ARE 135 LOTS AND 9 BLOCKS



- SYMBOL & LINE LEGEND
- FOUND U.S.B.R. BRASS CAP MONUMENT IN CASE, OR AS NOTED
 - FOUND 3-1/2" BRASS CAP IN MONUMENT CASE, OR AS NOTED
 - SET 5/8" REBAR & CAP, P.L.S. 41285
 - CALCULATED POINT ONLY, NOT FOUND OR SET
 - PROPERTY BOUNDARY
 - EXISTING PARCEL/LOT LINE
 - SECTION LINE
 - CENTERLINE OF ROAD
 - RIGHT-OF-WAY
 - SURVEY TIE LINE
 - EASEMENT NEW

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TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: June 19, 20223

SUBJECT: Comprehensive Plan Amendment & Zone Change – Introduction & Set Public Hearing Date

Palos Verdes LLC submitted an application to amend the Comprehensive Plan Land Use designation and zoning north of the existing Sand Hill Estates developments. This area is currently designated and zoned Open Space Urban Reserve. The proposal is to designate it as Residential and zone it R-4 Residential.

OMC 17.87.020 states that the Planning Commission, upon receipt of an amendment or zone change request, or after a motion of its own, shall investigate the merits of the request and may set a public hearing date at which time the request can be considered.

Staff Comments

1. In thinking about the specific request, the Commission should also consider whether there are other areas that should also be redesignated and/or rezoned.
2. This site has a complicated zoning history. Details are summarized in the attached “Zone Change History” table, but the short version is:
 - a. The whole Olympia to Lee property was annexed in 1993 and zoned Open Space in 1995.
 - b. In 1999, there was a request to rezone the first 600’ north of Olympia to R-2 from west of 2nd to 9th, and R-1 from 9th to 14th (among other changes proposed). Many public hearings and meetings and much opposition later, Ord. 1054 was adopted (April 2000). Despite the many possibilities discussed in the months leading up to the ordinance (limiting to owner-occupied duplexes, require buffers, alleys, tree lines, walk path, fencing, require houses to have noise dampening), the only special conditions in the ordinance were Section 5, which stated the intent that all lands north of the rezone will eventually be zoned for non-public assembly and non-residential uses, which could include accessory uses such as landscaping, parking, alleys, buffers, non dwelling or public assembly structures etc. (Note that Section 5 is questionable, since a Council may not take action that binds future Councils.)
 - c. As part of the 1999/2000 zone change, a noise study was conducted and the boundaries were eventually set based at least partly on the results of the study, creating more residential property than was originally requested. The key point seems to be no residential closer than 750’ to existing industrial (southeast corner of McCain & Wilbur Ellis properties); however, this condition appears to be more related to the property on the west side of 7th Ave since the McCain property is over 1300’ from 7th Ave.
 - d. Olympia to Lee was rezoned back Open Space in 2012 (Ord. 1469) related to farming and grazing sheep. However, this rezone was apparently not added to the Zoning Map so might not have been remembered. During this time (~2008-2015), Othello contracted out building and planning services instead of having a staff person.
 - e. In 2016, the City adopted a modern Comprehensive Plan, including maps. The Ord. 1054 R-1 and R-2 Zone locations were shown (600’ & 1000’ from Olympia) as well as rezoning the Open Space south of Lee Road to Light Industrial, with a small amount of Open Space left in between. Staff was unable to find any minutes, notes, staff reports, or

agenda memos about this change, but piecing it together from the sequence of maps, it appears the Light Industrial line was drawn in the growth area and extended into the city in this area. It may have been lined up with existing property lines. The first maps didn't have any other zoning inside the city. It isn't until a month later that the city zoning was added. It is at this point that the small remaining strip of Open Space becomes apparent.

- f. The 2018-2020 Zoning Update used the 2016 zoning boundaries in this area.
3. Per OMC 17.51, Open Space Urban Reserve, "These lands serve in a temporary function as open space until needed for urban development. Those areas are restricted to agricultural uses until the full range of urban services are available."
4. It is clear that conditions in this area have changed significantly since the Open Space designation was first applied in 1995.
5. Questions that should be considered:
 - a. Is noise from industry still a concern in this area? If so, should it be addressed through zoning?
 - b. Is the existing zoning configuration important to prevent encroachment on existing and future industrial uses?

Attachments

- Zone Change/Comp Plan Amendment Application revised 5-15-2023
- Zoning Map adopted 2-10-2020
- Zone Change History for Olympia to Lee
- "Othello Growth Area" map saved 11-9-2015 (hand-drawn designations)
- Othello Growth Area map dated 11-10-2015
- Zoning & Growth Area map dated 12-7-2015

Action: The Planning Commission should take all of the following actions:

1. Discuss the proposed changes to the Comprehensive Plan Land Use Designation and zoning,
2. Give staff direction on whether any other areas should be redesignated and rezoned at the same time,
3. Give staff direction on whether other information is needed, and
4. Set a public hearing date to consider the request and any additional areas added.

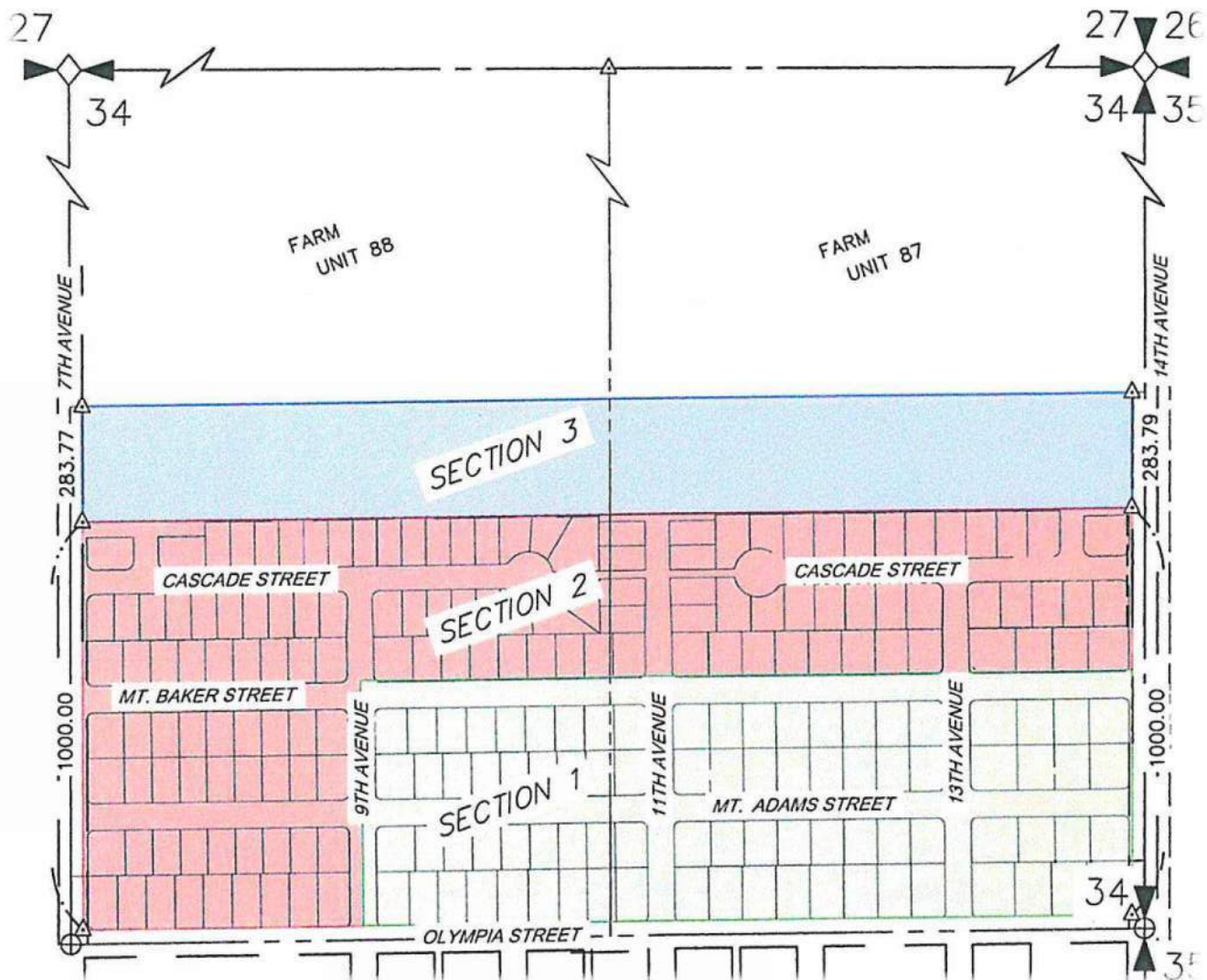
MAY 15 2023



OTHELLO BUILDING & PLANNING

ZONE MAP AMENDMENT REQUEST SAND HILL ESTATES CITY OF OTHELLO, WASHINGTON

- Summary:** The purpose of this narrative shall be to outline the proposed Zone Map Amendment for a portion of the Sand Hill Estates development property in the City of Othello, Washington. The property in question is currently zoned Open Space Reserve, and the project proponent is requesting to amend the zoning to Residential "R-4". The property is located North of the Sand Hill Estates IV subdivision, and the entitled Sand Hill Estates V subdivision, in Section 34, Township 16 North, Range 29 East. The area in question is shown below as "Section 3":



- Zone Change Area:** $\pm 733,165$ SF or 16.831 acres (Section 3) – See attached Legal and Exhibit

- **Property Owner:** Palos Verdes LLC – See attached Application
- **Existing Zoning:** “OPEN SPACE RESERVE” (Section 3)
- **Proposed Zoning:** Residential “R-4”

The following are questions found on the City of Othello’s Application for Comprehensive Plan/Zoning Map Amendment Supplemental Application:

1. What is the purpose or goal of the proposed amendment?

The purpose of this request shall be to amend the zoning of the property in question to continue with the Master Plan development of Sand Hill Estates, as originally presented to the City of Othello in 2012.

2. Describe the property: size, terrain, critical areas, etc.

The property in question was previously used as farmland, with gently rolling topography, sloping slightly East to West, similar to the land previously developed for Sand Hill Estates I, II, III, and IV. Sand Hill Estates V will be developed in 2023 on similar existing terrain.

3. What is the current use, zoning, and land use designation of the subject property and the surrounding properties (north, south, east, west)?

The current zoning of the property in question is Open Space Reserve, with the following adjacent zoning designations:

- **North:** I-1 Light Industrial
- **South:** R-1 and R-2 Residential (Sand Hill Estates)
- **East:** East of 14th Ave / Canal is not yet Incorporated farmland
- **West:** West of 7th Ave / R-4 Residential & Open Space Reserve

4. How will the proposal address the long-term interests and needs of the community as a whole?

The proposed Residential “R-4” zoning designation would provide the City of Othello with transitional housing options, and a functional buffer between the Residential “R-1/R-2” zoned property to the south (Sand Hill Estates), and the Light Industrial zoned property to the North.

5. Are there any changed conditions on the subject property or its surrounding area since the original zoning/designation that might support a change to the zoning/designation?

In 2011/2012 the property was purchased for the development of a multi-phased single family residential subdivision. A phased conceptual Master Plan exhibit was presented to the City of Othello for review and discussion. Plan). No mention of the Open Space zoning designation was brought to the attention of the developer, or our firm, and this designation

was also not presented on the official zoning map at this time. To date, the developer has extended the required infrastructure (sewer, water, streets, etc.) to the property in question, to serve future phases of the Sand Hill Estates development.

6. How does the request help implement the Comp Plan?

We feel this request is consistent with the City of Othello's Comprehensive Plan in that we are proposing to maintain a buffer between the two (2) zones, through a high density zoning designation (Residential "R-4"), and through the creation of a Grant of Noise Easement, which will overlay the property in question. Further, we encourage the City of Othello to impose a landscape buffer on the Light Industrial property to the North, IF the property is developed with a Light Industrial use. Generally speaking, governing agencies require a landscape buffer to be placed on a commercial, or industrially zoned property at the time of development, when it is adjacent to a residential zoned property.

7. Will the proposal have adverse impacts on adjacent properties?

This request will impact the Light Industrial zoned property to the North, which, if approved by the City, may be required to construct/implement a landscape buffer along their shared property line, "IF" the property is developed with a light industrial use. Placing this "open space" burden on the Sand Hill Estates property restricts residential development opportunities for the City of Othello, and negatively impacts the conceptual Master Plan for Sand Hill Estates. It is my professional opinion that the property North of Sand Hill Estates may at some point in the future be rezoned to accommodate future residential, commercial, or even educational needs in the City of Othello.

8. Is the proposal likely to cause significant adverse impacts to the city's transportation network, capital facilities, utilities, parks, or environmental features that cannot be mitigated?

The proposed zone change, and subsequent future development of this property will have no known negative impact to the City of Othello, as previously stated during prior public hearings, and communication with City staff. The development has already created single family residential home ownership opportunities in the City, and expanded/improved City infrastructure to serve the property in question.

9. Describe the suitability of the area for the proposed designation, considering adjacent land uses and the surrounding development pattern, and the zoning standards under the potential zoning classification.

Since the purchase of the property, the developers plan has always been to develop the property with a residential use. The proposed zoning designation would provide sustainable housing opportunities for the City of Othello, and a natural progression of higher density residential opportunities between the residential zoned land to the South, and the Light Industrial zoned land to the North. The residential development of this property will also expand the City of Othello infrastructure needed to serve any future development to the North. This zone map amendment would permit the landowner the right to continue to

construct residential housing, as presented, discussed, and since then modified, with the City of Othello's input, since the conceptual Master Plan was presented to the City in 2012.

10. Is the subject parcel(s) physically suitable for the requested designation and anticipated development, including access, provision of utilities, compatibility with existing and planned surrounding land uses?

The property in question is suitable for the requested zoning designation, and any future development, with more than sufficient access and utilities already being extended through the Sand Hill Estates development, to serve the property in question.

GRANT OF LIGHT INDUSTRIAL NOISE EASEMENT

THIS GRANT of Easement, executed this _____ day of _____, 202____, by PALOS VERDES LLC, a Washington limited liability company, further known as the GRANTOR, provides a Grant of Industrial Noise Easement to the City of Othello, Washington, further known as GRANTEE.

WITNESSETH:

NOW, THEREFORE, in consideration for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor, for itself, its heirs, administrators, executors, successors and assigns, does hereby grant, bargain, and convey unto the Grantee, its successors and assigns this easement for the public acknowledgement of potential light industrial development and operational noise that may potentially impact the residential properties, existing and or proposed, that are described within the following legal description that is hereby made a part of this document.

GRANTOR(S), their successors and assigns, do hereby fully waive, remis and release any and all right for cause of action which they may now have or which they may have in the future against GRANTEE, its successors and assigns, due to said noise caused by the lawful operation and use of the adjacent light industrial zoned property.

All rights, easement, releases, benefits, and estates granted hereunder shall be covenants running with the land described in below:


















That portion of Farm Units 87 and 88 in Section 34, Township 16 North, Range 29 East, Willamette Meridian, Adams County, Washington, described as follows:

Commencing at the southeast corner of said parcel at the North edge of Olympia Street right-of-way and extending North along 14th Avenue one thousand two hundred and eighty three and 79/100 feet (1283.79'), then West to a point one thousand two hundred and eighty three and 77/100 feet (1283.77') North of the northerly right-of-way of the intersection of Olympia Street and 7th Avenue, then South along the center of 7th Avenue to the southwest corner of said parcel at the North edge of Olympia Street right-of-way, then East along the North right of way of Olympia Street right-of-way to the Point of Beginning. Excepting the South one thousand feet (1000)

The GRANTEE, its successors and assigns, shall have and hold this Grant of Easement subject to the following considerations, covenants and reversions:

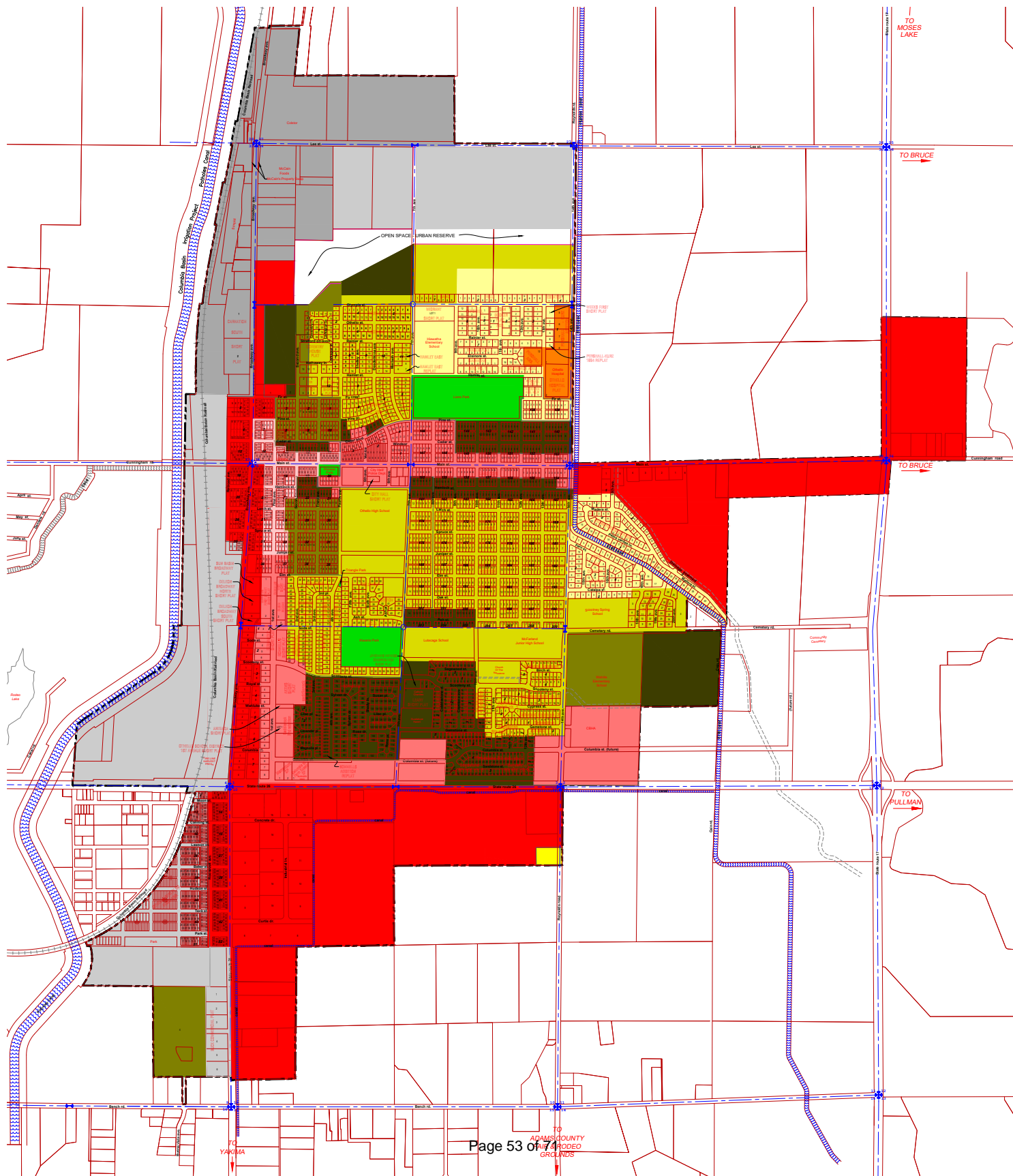
- (a) GRANTORS are authorized to develop this property under the R-4 zoning designation, in accordance with City standards and requirements at the time of development request.

LEGEND

	(R-1) RESIDENTIAL DISTRICT ONE		(I-2) HEAVY INDUSTRIAL ZONE
	(R-2) RESIDENTIAL DISTRICT TWO		(S-1) SUBURBAN 1
	(R-3) RESIDENTIAL DISTRICT THREE		(O.S.) OPEN SPACE - URBAN RESERVE
	(R-4) RESIDENTIAL DISTRICT FOUR		CITY PARKS
	(R-M) RESIDENTIAL-MEDICAL DISTRICT		CITY LIMITS
	(C-1) TRADITIONAL COMMERCIAL ZONE		LOT NUMBER
	(C-2) CENTRAL COMMERCIAL ZONE		BLOCK NUMBER
	(C-3) LARGE SCALE COMMERCIAL ZONE		PLAT NAME
	(I-1) LIGHT INDUSTRIAL ZONE		

CITY OF OTHELLO ZONING MAP

February 10, 2020



Zone Change History for Olympia to Lee

Date	Action
1993	Annexed. Ord. 893. No zoning established, but ordinance states, "The newly-annexed real property described in Section 1 shall be allowed to continue in its current use until it is zoned."
1995	Handwritten note on copy of Ord. 893 in rezone file says "property zoned Open Space 12-31-95". The last ordinance in 1995 was Ord. 976 adopting the zoning map.
12-20-1999	Rezone request received: R-2 for 600' north of Olympia, from 150' west of 2 nd Ave to 9 th Ave R-4 for 10 acres west of 7 th R-1 for 9 th to 14 th R-2 (from R-3) for 150' west of 2 nd to 4 th and between Hamlet and Olympia 50' buffer zone currently shown running north-south relocated to run east-west between Residential and Industrial C-2 (from I-2) for Taggares corporate office (Rezone file is labeled "Taggares Rezone Olympia Street")
1-18-2000	Planning Commission public hearing. Opposition from residents with concerns about traffic (increased amount and speeding), that it would restrict industrial expansion, school crowding, not wanting duplexes and apartments, property values. Support from a builder because there is a housing crunch, income level for the average citizen puts constraints on the builder, this area already has water and sewer and would be fairly easy to lay out. Petition submitted of people asking that the area be kept as single family. Opposition from McCain and Nestle related to lack of environmental checklist, lack of a good zoning transition, limiting industrial expansion. Letter of support from the Senior Citizens Club. Continued to 2-22-2000
1-25-2000	SEPA Determination of Non-Significance (DNS) issued.
1-26-2000	Comments from McCain Foods: 1. Request to review environmental checklist at least 2 weeks before the next scheduled meeting. 2. Request to see the Comprehensive Zoning Plan for the entire area. 3. There should be a tiering down of zoning, from heavy industrial to residential. 4. Many years ago, the McCain facility was built away from residents for several reasons. Now is not the time to start bringing households closer to the facility. 5. McCain is a major employer in the Othello area. Allowing homes to be built closer to our properties could restrict us from expanding in the future.
2-1-2000	Memo from Curt Andrews to Mayor, City Administrator, & Planning Commission Chair: "After pondering input over the last few months on the residential zoning north of Olympia, I recommend/suggest/discuss the following: 1. We adopt new industrial zones to be compatible with the comp plan (attachment referenced but not in file). 2. We adopt new residential standards to make more distinction (than just duplexes) between the different zones (attachment referenced). 3. We rezone all areas between Olympia and Lee. 4. Rather than use R-4 (which would allow anything to occur in the future), we do the retirement areas using planned unit development methods, which will be case by case. 5. The planned unit developments would be limited to retirement/assisted living ranging from small individual dwellings to large care homes.

Date	Action
	<p>6. We would all agree that when the area is platted, the following will be required:</p> <p>A. Developer will construct buffer along the residential/industrial line.</p> <p>B. PJ Company will dedicate land for 100' buffer from 14th to pond.</p> <p>C. Developer will build irrigation system and plant trees.</p> <p>D. Between buffer and development would be 20' alley. Buffer could have 6' asphalt walk path connecting 14th to Broadway.</p> <p>E. Buffer will be dedicated to city 5 years after planting (to ensure trees take hold).</p> <p>F. City would agree to maintain buffer/walk path/alley.</p> <p>G. Industry would build and maintain 6' chain link fence on north side of buffer and ensure that 500' from fence north would only be used for I-1 and I-2 uses.</p> <p>H. Taggares Co would fence their pond.</p> <p>I. Developer would build wider and safer Olympia w/sidewalks set back from curb on both sides of street.</p> <p>J. Taggares Co would dedicate all of Olympia w/80' ROW and agree to build their half of the south side of their office when requested by city.</p> <p>I think this arrangement would address all the comments heard from the public except the desire to have no buildings or zoning higher than they have. I feel this is a compromise between PJT Company's desire to zone most of this area residential and McCain's desire to zone none of it residential. It also accommodates developers having the least amount of roads and improvements for the maximum number of lots and development."</p>
2-1-2000	<p>Memo from Curt Andrews to Planning Commission:</p> <p>"Safety on Olympia: In order to provide a higher level of safety, we should locate the sidewalks as far away from the curb as possible. We must have no trucks on this route with a maximum speed of 30 mph. This will require that the developer dedicate a wider ROW (80') and install sidewalks on both sides of the road including where the existing developments have already occurred without sidewalks.</p> <p>Safety of children from the industrial areas: The residential area should be fenced off from the industrial area with a 6' chain link fence as industries are developed and the buffers installed. The fence will be located on the north side of the tree buffer, which would be built by the developer and maintained by the city.</p> <p>Getting the big picture: What will happen north of this and how it will transition to industry is an important question. We need to get everyone to agree to the comprehensive zoning plan, which will provide the transition and buffers at this time for the area all the way to Lee Road.</p> <p>Protecting property values: The public did not want structures built that would lower property values. To ensure this, we need to tighten up the R-2 Zone to ensure they are compatible with most of the existing R-2 in the area. There were several comments asking that land adjacent to their homes be zoned higher than their zone to increase their property values. Because of the required housing mix for all different classes of houses, we need to maintain a balance between the R-1 through R-5 zones and should not zone everything R-1.</p> <p>Noise and odor: The existing houses and new houses would have an impact from the processing plants. Therefore a tree buffer needs to be installed to deflect the objectionable impacts away from the houses and provide a 500' space of less intensive use (I-2) provided between housing and existing industry."</p>

Date	Action
2-7-2000	McCain Foods comments: DNS based on faulty/incomplete checklist so it is invalid and should be withdrawn, does not evaluate the entire proposal, takes a piecemeal approach to SEPA, does not address all government permits and approvals, does not address surface water bodies, does not analyze capacity of stormwater retention pond and impacts by rezone and subsequent development, does not analyze hazards of Wilbur-Ellis chemicals and pesticides, does not analyze impacts of new homes, traffic, school demand, sewer, water, and other utilities; can water be supplied to new development when the city has previously said it may not be able to supply water to the two largest employers?
2-14-2000	Noise study by Taylor Environmental Engineering. Two samples were taken: 7-9 PM and 7:30-9:30 AM the following morning when it was overcast with snow. The sampling route was Lee Road, Reynolds/14 th , Olympia, 7 th , and the boundary of the existing developed industrial area. Conclusions in report: Study area meets daytime standards for residential but not nighttime standards (10 dBA less). However, per WAC 173-60-050, noise from existing industrial installations which have exceeded the limits consistently over the last 3 years can continue. WAC 173-60-40 exempts warning devices not operating continuously for more than 5 minutes and sounds created by safety and protective devices when noise suppression would defeat the intent of the device. Per the report, all samples exceeded 45 dBA (nighttime limit for residential). All samples were less than 55 dBA, with exceptions, including an undefined area that was discounted because of muffling from removable tanks and other items temporarily stored on site.
2-15-2000	<p>Memo from Curt Andrews to City Attorney with history of project: "Two years ago, met w/PJ Taggares to begin comprehensive zoning to "pre-process" sites to make them prime for development of residential, commercial, and industrial lands. This pre-processing would include the annexations, rezones, etc. that are required to have a site ready to build on. This is when the draft comprehensive plan began to take the shape it currently has.</p> <p>About 6 months ago we met with a company wanting to build a retirement campus along with McCains and Tom Dickey for this particular project at the corner of 7th and Olympia. At the time, Taggares Co. requested that we rezone this 10-acre parcel. However after discussions with all involved, I thought it more prudent to rezone a larger area more compatible with the draft comp plan that had already been agreed to. We could begin to designate the residential/industrial line, which was vaguely shown as a row of trees on the draft comp plan.</p> <p>After discussions with all involved, the City expanded the rezone to 1000' north of Olympia providing a 500' buffer to industry. This was a balance between McCain wanting it all industrial and Taggares wanting it open for future changes as the market changes. We then met with the public and had good public input and modified the details to address most of the public comments (attached sketch shows R-1 & R-2 north of Olympia, 60' buffer, 6' fence, 30' trees, 5' path, 20' alley north of R-2, then a strip of I-2, then a wider area of I-3 up to Lee).</p> <p>However now McCain is pushing to have it all zoned, specifically providing a buffer for future lands that they may purchase for future growth. Taggares Co does not want to provide a buffer for McCains future."</p>
2-16-2000	Noise study distributed to P.J. Taggares Company, McCain Foods, and Nestle Brand Foods.

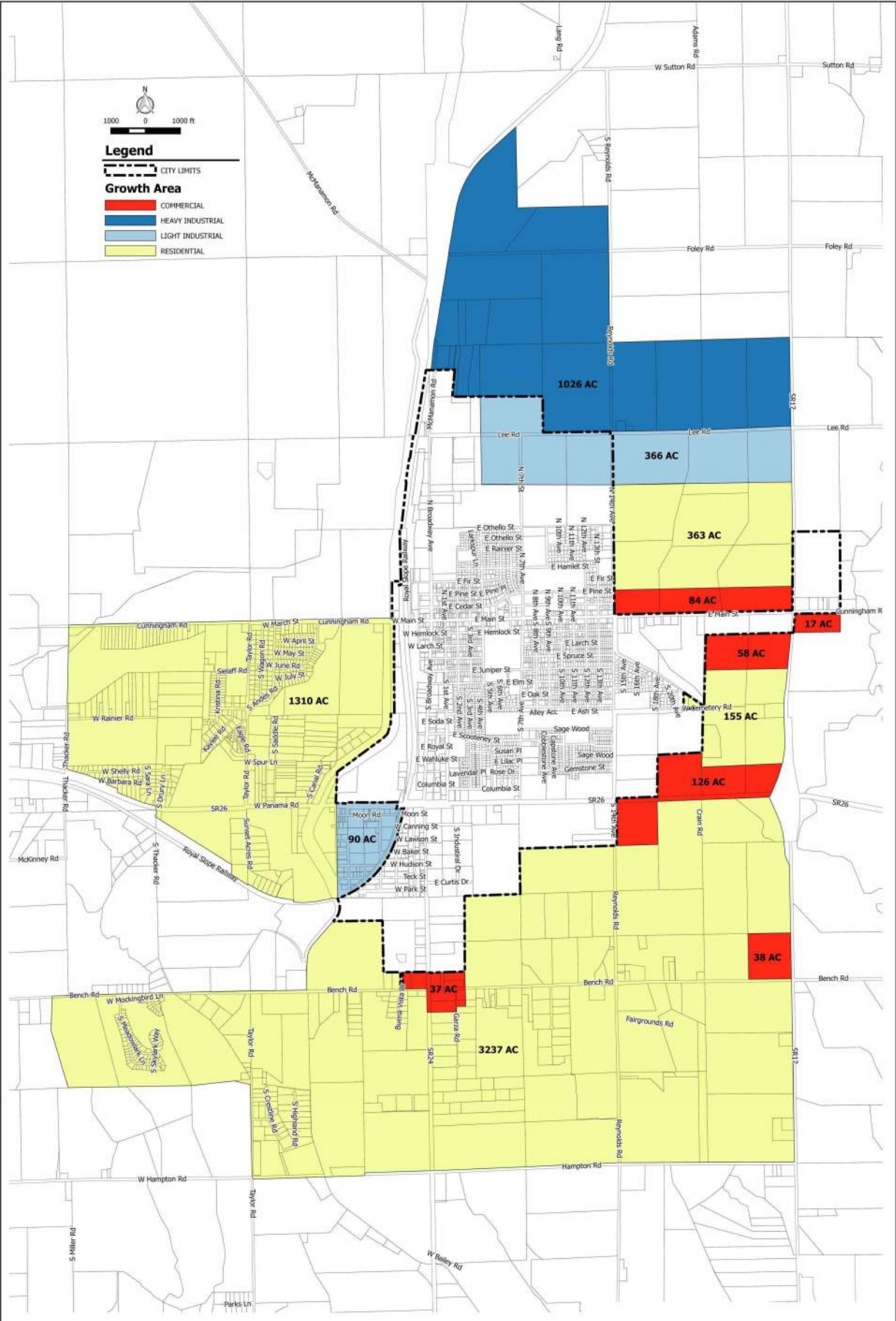
Date	Action
2-16-2000	Memo from City Attorney Jim Whitaker to Curt Andrews: Important to remember the space between the residential uses and industrial uses not just a buffer but is a transition area. A transition zone clearly envisions use of the land in a productive manner.
2-18-2000	Fax from City Administrator to Taggares Company, McCain Foods, and Nestle Foods: Map of proposed rezone area. Based on limiting the western and northern boundary of the residential zone to be no closer than the current distance between the current industrial area and the nearest current residential area.
2-22-2000	Planning Commission public hearing. Discussion of zoning for 1000' north of Olympia. City Administrator provided responses to McCain's comments on SEPA. Noise study presented by staff. Testimony: Concerns about moving residential closer to industry and how that affects future industrial expansion. Concerns about smells from industrial areas causing complaints in proposed residential areas. Concerns about school overcrowding. Testimony in support from a local builder but concerned that R-2 regulations were going to get more restrictive and limit residential growth. Staff's response to the public testimony was that the industrial plants are making every effort to control smells, houses could be required to be built to a higher standard to dampen noise inside the house, a planned industrial expansion would be adding \$180,000 in property taxes for schools. Public hearing continued to 3-20-2000
2-28-2000	Memo from Curt Andrews to Planning Commission: Noise: Industry should be required to mitigate their nighttime noise to within the state standards, but only to the extent that it enters onto existing residentially zoned land. Putting houses closer to an existing industrial zone would add a burden to the plants. Putting them further away would take housing away from the developer. Growth: We need to make sure to allow room for the plants to grow around their existing site for the processing operation. Emissions: Smell from the plants can be more of a concern than the sound. The sound is usually a consistent background noise but in the past smell has been a problem. Goal: The Planning Commission needs to do what is best for the community as a whole and not lean towards special interests or local residences personal gain in deciding a rezone. Land Use: There were comments to provide more housing closer to Lee Road east of 7 th Ave. However keep in mind that Lee Road is an industrial corridor since it has the substantial investment of infrastructure for industry and should be preserved for that.
3-20-2000	Planning Commission public hearing. Action limited to 1000' north of Olympia. Another hearing to be held in the future for the area north to Lee Road and south of Olympia. ¹ Staff provided a map showing gradual transition from existing residential areas to existing industry: R-1 & R-2 along Olympia and for the first 1000', then moving north into C-1 (300'), then C-2 (350'), then I-1 for 1000' to Lee. Staff's proposal was for a Planned Unit Development so future developments would come back to the Commission at a new public hearing to discuss special uses for this area. Testimony objecting to proposal for R-2 for a portion along Olympia instead of all R-1. Concern about apartments and duplexes in R-2. Staff stated duplexes would be owner-occupied

¹ Checked ordinances from this point through Feb. 2012 (Ord. 1355) and found no ordinances related to zoning north of the residential north of Olympia. Later review of all zoning ordinances found Ord. 1372 which rezoned the whole area back to Open Space but was never mapped so unknown. Ord. 1469 in 2016 adopted the Comp Plan and new maps, including the previous R-1/R-2 configuration and also Light Industrial zoning south of Lee Rd.

Date	Action
	<p>and there would be no apartments. McCain Foods manager questioned the 650' of commercial zoning, because he understood it would be 750' to residential because of noise. Staff responded that when he reads it into evidence, it will be 750' to the nearest residence. At the close of the hearing, staff stated that the proposed commercial would need to be different from the other C-1 and C-2 zones. The intent is to keep high density uses away from the industrial plants. Existing commercial zones allow churches, assembly buildings, RV parks, and mobile home parks, which should not be allowed in this area. Staff recommended a condition that assembly uses for over ___ people and residential uses such as RV parks and daycare be prohibited. Staff also recommended that lots fronting Olympia should be owner occupied duplexes or single family homes. Staff discussion about tree buffer, not necessarily effective at reducing noise but developer would maintain it. Recommendation to Council, conditional on lots north of Olympia shall have single family dwellings or owner-occupied duplexes only and no commercial day care or RV or mobile home parks in the commercial zone.</p>
3-23-2000	<p>Planning Commission Findings of Fact, Conclusions, and Decision signed.</p> <p>Findings:</p> <ol style="list-style-type: none"> 1. The proposed rezone is compatible with the draft Comprehensive Plan. 2. It provides a gradual transition from existing residential areas to existing industry. 3. It will protect the housing from industrial encroachment and will protect the industry from residential encroachment. 4. It does not place any new residential zones any closer to the noise producing industry than currently exists. 5. It fits closely with the sound evaluation drawing dated 2-22-2000. 6. This is a good compromise between all of the special interests that were voiced during the 3 public hearings. 7. It provides a commercial buffer zone between the residential and industrial uses. 8. It can be done immediately with our current zone definitions and will be compatible with the proposed new zone definitions. 9. It will allow for Planned Unit Developments to enable unique residential developments with public approval. 10. It will provide a good mix of R-1, R-2, and R-3 housing areas. 11. It provides for an efficient land and infrastructure use by fitting into our standard block and alley layout. <p>Conditions:</p> <ol style="list-style-type: none"> 1. A buffer of trees and alley are provided between the residential and commercial zone. 2. Assembly uses, open to the public, having more than 50 people in one room, and residential uses (daycare, RV, mobile home and motel, etc.) are prohibited north of the residential zone due to the proximity to the industrial plants and the hazard of ammonia release and other hazards. 3. No dwelling shall be closer than 750' from the existing industrial zone, which is the SE corner of McCain and Wilbur Ellis properties. 4. The R-2 lots immediately north of Olympia Street shall have single family dwellings or owner-occupied duplexes only.
3-23-2000	<p>Memo from Curt Andrews to PJ Taggares Company and McCain Foods: The attached drawing is what the City understands our arrangement to be. The important point being</p>

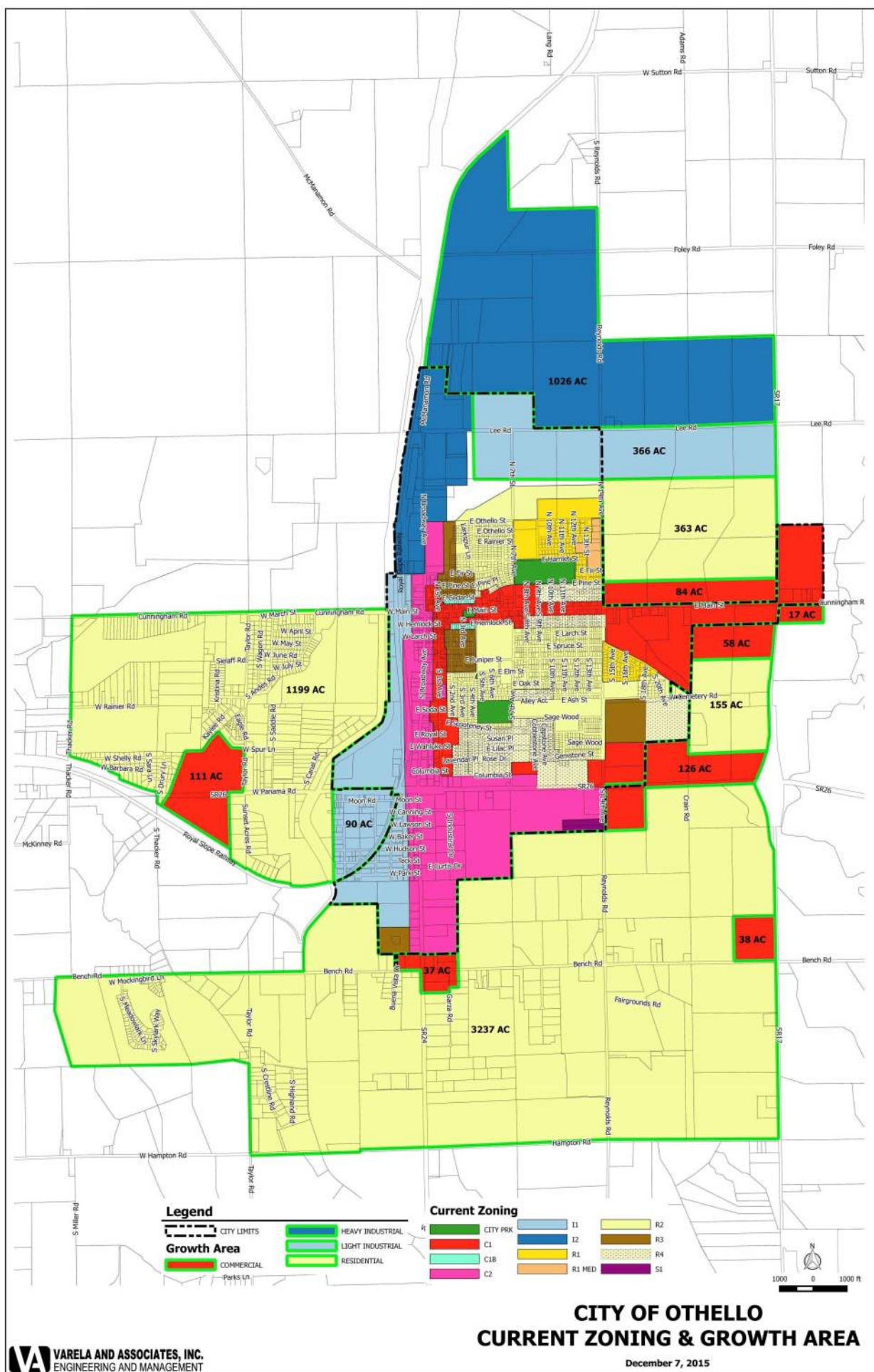
Date	Action
	<p>the 750' from the existing industrial zone to any dwelling and all of the area north of this line will always be non-residential in use.</p> <p>We will begin the process to zone that area north of the line to Lee Road this next month; you will be receiving notice of this rezone. If this is not acceptable, please let me know immediately before we go to Council March 27 to set the final public hearing.</p>
3-27-2000	<p>Planning Commission's Findings of Fact, Conclusions, and Decision presented to Council. Planning Commission recommended rezoning to R-2 for the area 1000' north of Olympia, except a 600'x1800' R-1 portion, and non-residential uses west of 7th Avenue above a diagonal line starting 1000' north of Olympia, running southwest to a point 350' north of Olympia on 4th Avenue extended. 750' noise buffer between Residential and Industrial.</p> <p>Council set the public hearing for 4-10-2000.</p>
4-10-2000	<p>Council public hearing. Minutes state Planning Commission held 3 public hearings on the rezone issue. There was interest in the property being rezoned to R-4 but that is not included at this time. The Planning Commission had recommended that the R-2 lots immediately north of Olympia Street will be issued building permits for single family dwellings or owner-occupied duplexes only. Testimony opposed to the rezone, concerned about maintaining the rules and enforcement of owner-occupied duplexes. Concern about residential areas being so close to industrial areas and the need to allow existing potato plants continued growth. Testimony in favor of the rezone because of the need for more residential lots to build on.</p>
4-10-2000	<p>Ord. 1054 rezoned portion from Open Space Reserve to R-1 and R-2 (matching 2020 zoning). Includes Section 5: "Let it be known that it is the intent of the City of Othello that all lands North of these parcels will eventually be zoned for non-public assembly and non-residential uses but could include accessory uses such as landscaping, parking, alleys, buffers, non dwelling or public assembly structures, etc."</p>
11-5-2012	<p>Request from Terra Gold Farms for a variance to bring sheep in to pasture the blue grass between Olympia Street and Lee Road, and 14th Avenue and 7th Avenue.</p>
11-19-2012	<p>Planning Commission considered a rezone for the parcel that is currently zoned residential from 7th Avenue to 14th Avenue, Lee Road to Olympia Street, to Open Space, to allow the farming that is currently being done on this site. Also a request to allow electric fencing in the Open Space Zone. Planning Commission voted in favor of both requests.</p>
11-26-2012	<p>Public hearing on the rezone request to Open Space. Described in agenda memo and minutes as 14th to 7th, Lee to Olympia.</p> <p>Ord. 1372 rezoned Parcel 1529030681077 from multiple zones of Open Space Urban Reserve, Residential 1, and Residential 2 to Open Space Reserve across the entire parcel. (This zone change was apparently never added to the official zoning map, and only came to staff's attention in about 2022).</p>
4-11-2016	<p>Ord. 1469 adopting Comp Plan and maps reflected the 2000 R-1/R-2 boundaries north of Olympia and zoned the area to the north Light Industrial, leaving a small strip of the previous Open Space Reserve in between. It appears the Light Industrial line was drawn on the Growth Area Map, both inside and outside city limits, without reference to the existing zoning in the city. Staff could only find maps, no minutes, staff reports, or notes about how this line was chosen. It may have been intended to line up with the quarter-section line.</p>

Date	Action
2-10-2020	After a several-month process dealing with many aspects of a major overhaul of the Zoning Code and city-wide rezones (which started with Planning Commission review in 2017), Council adopted Ord. 1548 amending the Comprehensive Plan Future Zoning & Growth Area Map and adopting a new Official Zoning Map. The boundary between Open Space and R-2 matches what was adopted in 2000, since the 2012 zone change hadn't been shown on the zoning map.



**CITY OF OTHELLO
OTHELLO GROWTH AREA**

November 10, 2015



City of Othello
Building and Planning Department
April 2023

Building Permits			
	Applied	Issued	Final
Residential	23 ¹	20 ⁴	9 ⁷
Commercial	5 ²	6 ⁵	2 ⁸
Industrial	1 ³	0	0
Total	29	26	11

¹ 11 single family, 1 remodel to create duplex, 2 addition, 1 remodel/repair, 2 patio covers, 1 garage, 1 reroof, 1 siding, 3 fences

² New carwash & espresso stand (1235 S. 1st Ave), Remodel kitchen (Old Hotel), Walmart sign replacement, City Hall HVAC (dispatch, server room, & exercise room), roofing/siding/windows (36 S. 7th/685 Hemlock)

³ Doorway cover (1156 S. Broadway)

⁴ 12 single family, 4 single family foundation permits, 1 remodel/repair, 1 reroof, 1 roofing/siding, 1 fence

⁵ Hospital ambulance station, demo of existing ambulance shelter, Remodel kitchen (Old Hotel), City Hall HVAC (dispatch, server room, & exercise room), roofing/siding/windows (36 S. 7th/685 Hemlock), shelter (Iglesia Bautista)

⁷ 6 single family foundation permits, 1 reroof, 1 siding, 1 fence

⁸ Pro-Touch car wash remodel, Iglesia Bautista shelter

Inspections

- The Inspector completed 124 inspections in April, including 36 rental inspections.

Land Use Permits		
Project	Actions in April	Status as of April 30
Charan Short Plat	Nothing new (Prelim plat approved in June 2022, owner put on hold in Sept, heard from potential new contractor in Jan)	Next steps will be sidewalk and final plat.
Landscaping & Fencing SEPA	SEPA comment period completed. Planning Commission & Council public hearings.	Ordinances adopted. Project completed.
M. Gomez Boundary Line Adjustment (Matching lines with businesses at 724-728-740 E. Main St)	No change (BLA approved in April 2022)	Waiting for copy of recorded BLA
Ochoa Annexation (E of 14 th , Main to Lee)	Met with proponent's representative. Remaining documents for Notice of Intent submitted. Council accepted Notice of Intent.	Waiting for Annexation Petition to be submitted.

Land Use Permits		
Project	Actions in April	Status as of April 30
Ochoa Short Plat	No change (Deferrals heard at Aug. 2021 Planning Commission meeting.)	Waiting for proposed covenant language from applicant's attorney, as specified in PC recommendation.
Othello Housing Authority Annexation	No change.	On hold per proponent.
Pegram Major Plat & Development Agreement	Application submitted for 135-lot plat to be completed in 4 phases over 10 years. Started review of submittals.	Need to finish reviewing submittals and determine if application is complete.
Sand Hill Estates #5 final plat	Revised street and utility construction plans submitted to Engineering. Engineering took Public Works Design Standards variances to Council. Plans approved.	Street & utility plans must be approved and work completed or bonded for before final plat is submitted for review.
Sand Hill Zone Change Request	Phone calls & emails with proponent's representative.	Waiting for revised application.
Story Rentals Final Plat (Ace Hardware)	Final plat documents reviewed & comments sent.	Waiting for response to comments.
Wahitis Short Plat	No change (Received notice from School District Jan 2023 that USBR has formally released the easement that has been holding up this project.)	Need to schedule a meeting to discuss the next steps. Street improvements must be completed or guaranteed before accepting mylars for recording.

Rental Licensing & Inspection Program

- 11 new rental applications for 51 units were submitted in April.
- 12 sites with a total of 16 units were approved in April.
- There were 36 rental inspections in April. We are still working through the list of landlords who applied a while ago but hadn't followed up with inspections.
- 104 locations with a total of 184 units have been fully approved so far.
- There are currently 63 active applications for a total of 173 units in various stages of inspection and correction.
- In mid-March, we sent out certified letters to 6 landlords as a second notice to schedule inspections. All have now scheduled and some are completed.
- At the end of March, we sent letters to 13 landlords who have applied but not scheduled inspections or re-inspections. 10 of those have now scheduled inspections. We will send a certified letter to the 3 remaining.
- Also at the end of March, we sent letters to 19 landlords who hadn't applied yet. 10 of these responded. We will send a certified letter to the 9 remaining.

Development Projects

- Pre-application meeting for a gas station/convenience store with apartments behind, at Curtis & Broadway. Lack of access to sewer will be the main barrier to this project.

Municipal Code

- Planning Commission held public hearings and made recommendations to City Council on changes to OMC 14.36, Fences, Walls, & Hedges, and OMC 17.74, Landscaping. City Council held public hearings and adopted updates to both ordinances with some changes.

Website

- Updated [Planning Commission](#) page to remove recruitment information and add the 2 new Commissioners.

Training

- Planning Association of Washington (PAW) annual conference. Community Development Director was re-elected to continue to serve on the PAW board. Some of the best sessions were “Port Partnerships”, “Housing for All—New Tools for a Wicked Problem”, “One Size Doesn’t Fit All: How to Create a Welcoming Public Meeting Space”, “Comprehensive Plan Updates”, and “Case Law Update”.

Other

- Elevate Othello Planning Team meeting with RDI.
- Helped distribute the Elevate Othello survey.
- Mayor appointed and Council confirmed the 2 new Planning Commissioners.
- Annual Housing Unit report submitted to WA Office of Financial Management (OFM). OFM uses these reports to estimate population for cities and counties every year.

City of Othello
Building and Planning Department
May 2023

Building Permits			
	Applied	Issued	Final
Residential	9 ¹	10 ⁴	4 ⁷
Commercial	8 ²	12 ⁵	0
Industrial	0	0	0
Total	17	22	4

¹ 1 addition to create duplex, 1 patio cover, 5 reroof, 2 HVAC

² 2 install kitchen hood (pool concession stand & baseball concession stand), place concrete restroom at Taggares Park, retrofit classrooms into counseling center at McFarland, stucco at The Lighthouse, change windows & doors at 80 E. Wahluke, repairs at 885 S. Broadway, Sagehills Veterinary sign

⁴ 1 triplex, 1 convert garage into duplex, 2 additions, 1 new garage, 1 patio cover, 4 roofing

⁵ Carwash/Espresso stand at Pik-a-Pop, place concrete restroom at Taggares Park, 3 replace portables at schools, remodel concession stand/announcer booth at Lions Park, install hood at baseball concession stand, stucco at The Lighthouse, change windows & doors at 80 E. Wahluke, repairs at 885 S. Broadway, doorway cover at 1158 S. Broadway, Walmart sign replacement

⁷ 2 single family, 1 remodel garage into bedroom/bathroom, 1 shed

Inspections

- The Inspector completed 127 inspections in May, including 30 rental inspections.

Land Use Permits		
Project	Actions in May	Status as of May 31
Charan Short Plat	Heard from architect that the building plans for the convenience store will be revised and resubmitted, with a new contractor. Received and approved request for 1-year extension of plat approval.	Next steps for plat will be sidewalk and final plat.
Ochoa Annexation (E of 14 th , Main to Lee)	Follow-up letter sent.	Waiting for Annexation Petition to be submitted.
Ochoa Short Plat	No change (Deferrals heard at Aug. 2021 Planning Commission meeting.)	Waiting for proposed covenant language from applicant's attorney, as specified in PC recommendation.
Othello Housing Authority Annexation	Office of Rural & Farmworker Housing sent concept water & sewer plan for our review. City Engineer provided comments.	On hold per proponent.
Pegram Major Plat & Development Agreement	Finished reviewing submittals. Notice of Incomplete issued.	Comment period ended May 31.

Land Use Permits		
Project	Actions in May	Status as of May 31
	<p>Worked with E911 and the proponent's representative on street names.</p> <p>Additional documents received.</p> <p>Notice of Complete issued.</p> <p>Notice of Application issued & routed.</p> <p>Neighboring property owner came in to discuss the well that is on this property and that serves several other lots.</p> <p>Well agreement received but missing pages.</p> <p>Started on Planning Commission staff report for deviations/deferrals.</p> <p>Reviewed plat drawing for compliance with OMC.</p> <p>Started to prepare MDNS.</p>	<p>Planning Commission review of deferrals & deviations scheduled for June 19.</p> <p>Public hearing scheduled for June 21.</p>
Sand Hill Estates #5 final plat	Street and utility construction started	Street & utility work must be completed or bonded for before final plat is submitted for review.
Sand Hill Zone Change Request	<p>Met with proponent's representative.</p> <p>Revised application received.</p> <p>Researching history of zoning in this area.</p> <p>Started staff report for Planning Commission.</p>	Planning Commission initial review scheduled for June 19.
Story Rentals Final Plat (Ace Hardware)	<p>Additional information received, forwarded to City Engineer for review.</p> <p>Initial comments provided.</p>	Some issues with the legal description & plat certificate that need to be resolved.
Wahitis Short Plat	No change (Received notice from School District Jan 2023 that USBR has formally released the easement that has been holding up this project.)	Need to schedule a meeting to discuss the next steps. Street improvements must be completed or guaranteed before accepting mylars for recording.

Rental Licensing & Inspection Program

- 2 new rental applications for 5 units were submitted in May.
- 8 sites with a total of 17 units were approved in May.
- There were 30 rental inspections in May.
- 112 locations with a total of 201 units have been fully approved so far.
- There are currently 59 active applications for a total of 167 units in various stages of inspection and correction.

- At the end of March, we sent letters to 13 landlords who had applied but not scheduled inspections or re-inspections. All but one of those have now scheduled inspections. In May, we sent a certified letter to the 1 remaining, who has until June 16 to respond.
- Also at the end of March, we sent letters to 19 landlords who hadn't applied yet. 10 of these responded. We are working with Code Enforcement on the process for the 9 remaining.
- We continue to note rentals as we discover them, and notify the landlord to get their rental license and schedule inspections.

Development Projects

- Expansion of Waterhole 17 is getting back on track. They have hired a new company to do the platting.
- Several meetings with the potential developers of the port property.

Municipal Code

- Identified some problems with the recently-amended fence code. Will discuss at next Planning Commission meeting.

Grants

- Helped review CDBG pre-application statements for Lions Park parking lot. Researched NEPA process to develop review timeline.
- Notified that RCO received additional funding for the Planning grants I applied for, so Kiwanis Park spray park planning & design (#40 on the list) is now shown as funded for \$195,000.
- Letter of support for applying for some of the \$1B available. Project will be to increase tree cover in the Columbia Basin, specifically by 1% I Othello, which would be a combination of street, park, institutional, and yard trees. All costs would be covered by the grant.

Training

- Building Inspector attended "Significant Changes to the International Residential Code", presented by the North Central Chapter of ICC in Moses Lake. The speaker was Grant County's Building Official Chris Young. We also shared the seminar flyer with local contractors, some of whom also attended.
- Webinar by Dept of Commerce: "Updating the Housing Element: Implementing HB 1220: Land Capacity & Adequate Provisions"
- Webinar: "Entrepreneurial Endeavors: Building a Business through Food Incubators"
- "Placemaking in Small & Rural Communities" online conference. Sessions: "Rural By Choice & New Ruralism", "Revitalize or Die", and "The Value of Rural Restaurants"

Transportation

- WSDOT Stakeholder meeting for proposed SR26/1st Ave roundabout.

Other

- Elevate Othello Planning Team meeting with RDI.

- Dept of Commerce planner stopped by to talk about our next Comp Plan update and critical area ordinances.
- Sent new Planning Commissioners a “welcome” email with basic information about the Commission, along with links to the required Open Public Meeting Act training.

Exhibit 5. Matrix of Strategies and Relationship to Housing Objectives

		Housing Action Plan Objectives			
Strategy		1. Make it Easier to Build Affordable Ownership and Rental Housing	2. Increase Housing Variety and Choice	3. Ensure Opportunities for Families with Children	4. Promote Housing for Agricultural Workers
1. Revising Zoning and Building Standards					
1.1 Coordinate future upzoning in areas likely to experience redevelopment		✓	✓	✓	✓
1.2 Modify setback, lot coverage , and landscaping standards for site design		✓	✓	✓	
1.3 Require minimum residential densities for development		✓		✓	
1.4 Add provisions for ADUs or smaller lot homes in some residential zones	Partial	✓	✓		✓
1.5 Adopt design standards or guidelines			✓		
1.6 Remove extra lot area requirements in the R-4 zone	Completed	✓	✓	✓	✓
1.7 Continue with long-term planning for annexation and infrastructure extension		✓	✓	✓	✓
2. Parking and Transportation Standards					
2.1 Review off-street parking requirements		✓	✓		✓
2.2 Encourage or require alley-accessed, rear, or shared parking		✓	✓		
2.3 Reduce neighborhood street width requirements	Partial	✓	✓		
3. Affordable Housing Incentives or Investments					
3.1 Offer density bonuses for affordable housing		✓	✓	✓	✓
3.2 Offer alternative development standards for affordable housing		✓	✓	✓	✓
3.3 Offer fee waivers for affordable housing		✓	✓	✓	✓
3.4 Explore the use of a Multifamily Tax Exemption (MITE) program for affordable housing.	Completed	✓	✓	✓	✓
4. Process Improvements					
4.1 Streamline permit review		✓	✓	✓	