



## CITY OF OTHELLO PLANNING COMMISSION

**Regular Meeting  
500 E. Main St.  
September 18, 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 August 21, 2023 Minutes p.3
4. Zoning Update – Home Occupations – OMC 17.59 – Discussion p.9
5. August Building & Planning Department Report p.37
6. Old Business
  - a. Housing – We should look at further implementation possibilities from the [Housing Action Plan](#) (see attached) p.40
  - 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

***Next Regular Meeting is Monday, October 16, 2023 at 6:00 PM***

**Remote Meeting Instructions:**

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City of Othello  
Planning Commission  
August 21, 2023  
Anne Henning

### **CALL TO ORDER**

Chair Chris Dorow called the meeting to order at 6:00pm.

### **ROLL CALL**

**Commissioners Present:** Chair Chris Dorow, Daniela Voorhies, Brian Gentry, Ruth Sawyer. Maria Martinez was present on Zoom

**Absent:** Alma Carmona (asked to be excused for wedding anniversary), Kevin Gilbert

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

**Attendees:** Bob Carlson, Gil Alvarado, Angel Garza, Steve Marek

**Remote Attendees:** Scott McArthur

### **PUBLIC INPUT**

Chair Chris Dorow opened the floor for public input. There was none.

### **MINUTES APPROVAL**

Chair Dorow had two corrections to the July 17, 2023 minutes:

1. On p.2, 4<sup>th</sup> paragraph, 2<sup>nd</sup> line, "local" should be "locate".
2. On p.2, 4<sup>th</sup> paragraph, 4<sup>th</sup> line, added "east of 14<sup>th</sup> Avenue or" to the section about Heavy Industrial on the north side of Lee.

Minutes approved with those corrections, M/S Sawyer/Voorhies

### **TIB GRANT APPLICATION FOR SIDEWALKS – INFORMATIONAL**

Ms. Henning let the Commission know that the City would be apply for grant funds for sidewalks along collectors, as a follow-up to the Commission's work on the Active Transportation Plan and Street Safety Plan. Grant recipients will be announced near the end of the year.

Chair Dorow mentioned he had been very happy to see the raised crosswalk going in at Lions Park.

### **SAND HILL ESTATES COMPREHENSIVE PLAN AMENDMENT & REZONE REQUEST - PUBLIC HEARING & RECOMMENDATION TO CITY COUNCIL**

Palos Verdes LLC submitted an application to amend the Comprehensive Plan Land Use designation and zoning for the 18 acres of their property at the north end of the 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 directs the Planning Commission to investigate the merits of the amendment/zoning change request, hold a public hearing, consider the request, and forward its findings, conclusions, and recommendations to the City Council. Per OMC 17.87.020(c), the criteria the Council will use are: Is the

request in the public interest, does it benefit the public welfare of the community, and is it consistent with the city's zoning scheme.

While the subject area has been commonly described as a buffer, that is not the intent of the Urban Reserve Zone. OMC 17.51, Open Space Urban Reserve, states "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." Urban services have been extended north from Olympia Street over the last 6 years as the area to the south has been developed, and services are now available to the proposed rezone site. This area has not been farmed for several years.

The City is processing this application as a legislative decision, since it is both an amendment to the Comprehensive Plan and a corresponding rezone request. A legislative decision gives more discretion to the local governing body. Even if it were only a site-specific rezone request, which would have more stringent review standards, the standards that have been required by the courts are: Whether conditions have substantially changed since the original adoptions of the zone, and that the rezone must bear a substantial relationship to the public health, safety, morals, or welfare. Both of these criteria can be demonstrated for this site.

The whole Olympia to Lee area was annexed in 1993 and zoned Open Space in 1995. In 2000, Ord. 1054 rezoned the first 1000' north of Olympia to R-1 and R-2. As part of the 2000 zone change, a noise study was conducted and the boundaries were eventually set based at least partly on the results of the study. 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 7<sup>th</sup> Ave. since the McCain property is over 1350' from 7<sup>th</sup> Ave.

In 2016, the City adopted a modern Comprehensive Plan, including maps. The previous (Ord. 1054) R-1 and R-2 Zone locations were shown (600' & 1000' from Olympia) as well as designating (but not zoning) 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 show any other zoning inside the city. It isn't until a month later that the zoning inside the city was added to a map. It is at this point that the small remaining strip of Open Space becomes apparent.

The 2018-2020 Zoning Update used the 2016 residential zoning boundaries in this area. The industrial zoning on the Othello School District property was added to the 2020 Zoning update, at the suggestion of the Adams County Planning Commission. Otherwise, this area would likely still be zoned Open Space all the way to Lee.

A letter was mailed July 3 to owners of heavy industrial properties, notifying them of the proposal and that the Planning Commission would be discussing it at the July 17 meeting. One comment was received, from the railroad (iron Horse Real Estate), with concerns about protecting existing industrial properties use/rights and suggesting that the city require the land owner to record a statement about the proximity to industrial properties.

The Aug. 21 public hearing was advertised and a notice mailed to all property owners and street addresses within 350' of the proposal, as well as to the same list of industries as the July 3 letter. The only comments received so far were from the railroad making sure we had received their previous comments, WSDOT

about the need for traffic information with development, and the City Engineer about the need for traffic and sewer flow information with development.

Based on previous Planning Commission direction, staff looked for guidance on separation distance between manufacturing and residential. It was difficult to find much. The most useful was the Ontario Ministry of the Environment, Conservation and Parks guidance for separation between industrial areas and sensitive land uses. The largest separation required is 984 feet for industries with the most impact.

Chair Dorow said he talked to past Planning Commissioners about what they were thinking when they set the distances in 2000. His understanding is they would have liked to have required more than 750' of separation between Heavy Industrial and Residential, but there were already existing houses at 750', so that is the number they used. They would have preferred more like 1350'.

Chair Dorow proposed that east of 14<sup>th</sup> Ave and north of Lee should be Open Space Reserve. There could be 1350' of Light Industrial to buffer the Heavy Industrial. He said 1200 to 1400' is good for noise buffering, somewhat dependent on what else is there, so that's why 1350' is a good number.

Chair Dorow opened the public hearing at 6:29 PM and asked for anyone in favor of the proposal to testify. Angel Garza, Palos Verdes LLC, proponent of the request, stated that he is good with all the recommendations. 1350' works for his development. He distributed an aerial photograph showing 1350.94' from the north edge of his property to the north right-of-way line of Lee Street.

Chair Dorow called for anyone neutral to the proposal. Gil Alvarado, GAJ Planning, PO Box 260, Moses Lake, stated that he was at the last Commission meeting when this issue was discussed and he had provided some information related to the adjoining property that is in the annexation process. He represents the Ochoa family. He pointed out the need for a Land Capacity Analysis and mentioned the need to look at the Othello Municipal Code for the uses allowed in the Commercial and Industrial zones. He referred to the Dec. 7, 2015 Current Zoning & Growth Area Map (p.17 of 55 of the packet) and agreed that conditions in the area have changed. He noted the 366 acres of Light Industrial shown. He did a Land Capacity Analysis for Project Riser (REC Silicon) in Moses Lake, to demonstrate land needs for 5000 employees. Working backward from the 1026 acres of Heavy Industrial shown, what kind of employment base can you support? He used a methodology from Oregon's Industrial and Other Employment Land Analysis, since Washington's Growth Management Act was based on Oregon and California. For Project Riser, he used an employee-per-acre analysis, with 9 employees per acre. So for 5000 employees, you need 556 acres. Looking just at the 366 acres of Light Industrial, he isn't sure Othello can support even the employees from that, much less the 1026 acres of Heavy Industrial. He feels the amount of Industrial land shown is pretty aggressive. He mentioned that at the City Council meeting about the annexation, that Light Industrial is not what the Council or the land owner want to see on that property. He thinks that preserving the Light and Heavy Industrial west of 14<sup>th</sup> Ave is good. Another consideration is that the electrical utility rate is high, so companies locate in Grant County instead of Othello. He represents 2 data farms locating in Quincy. He said if they could be Othello, they would be, because of the permitting process. Othello can do a review much quicker and more efficiently, but the electrical cost was more important. He recognized that the city can't control the electrical cost, but it's part of the analysis that companies do. He is in support of making zoning changes in the area; he can see just from driving around that the area is changing.

Chair Dorow mentioned that he felt some of the designations in this area were done as placeholders. He didn't feel industry was suitable for the whole area and not the best use of the land.

Mr. Alvarado stated that staff's conclusions in the agenda memo were good, and the proposal complements what the Ochoas are looking to do on the adjacent property. He mentioned how many changes there have been since this area was first zoned in 1995.

There were no others who wished to testify neutral to the proposal. Chair Dorow called for any testimony in opposition to the proposal. There were none. He closed the public hearing at 6:42 PM.

Chair Dorow stated that over the last few months, he has been trying to figure out how much space is needed to ensure Residential doesn't impact the potential for future industry. But it's not just growth, is also important to have great spaces and places for the people who live in the community. In 2000 when this area was looked at, it was already too late. The Commissioners at the time would have liked to have set a distance of 1350' but they couldn't, due to existing development. But they also probably designated too much area as Industrial. Now that we have the opportunity to look at it again, it is important to do it right this time. But he didn't think the current proposal would affect the vision for future industrial growth.

Chair Dorow asked McCain Plant Manager Steve Marek, based on the 2000 noise study, whether 1350' of separation was sufficient. Mr. Marek said he would want to ask others at McCain, but he didn't think there have been many noise complaints.

Chair Dorow stated that probably 1350' was sufficient to mitigate any light impacts.

Chair Dorow asked Commissioner Ruth Sawyer if she still had concerns about the proposed R-4 zoning. She was not in favor of a lot of subsidized housing there. Chair Dorow asked Mr. Garza whether he was proposing any subsidized housing. Mr. Garza said he planned to start with 48 units from 7<sup>th</sup> to 11<sup>th</sup>, to test the market. It will not look like a typical development. It would look like something in Spokane. Eventually, there could be 200 units. From 11<sup>th</sup> to 14<sup>th</sup>, he plans to build single family homes. He will be careful in the management, to prevent multiple families from occupying one unit. He didn't bring pictures, but his plan is 3 stories with a flat roof. Chair Dorow pointed out that the R-4 zone allows flexibility, so single family homes could be built. Mr. Garza stated that if the financing doesn't work out for apartments, he would build more single family homes there. He said the current Sand Hill Estates from 7<sup>th</sup> to 11<sup>th</sup> is the Signature Series entry level homes.

Commissioner Voorhies asked about the City Engineer comments about traffic and sewer. Chair Dorow stated that zoning gets denser from R-1 to R-4. Mr. Garza pointed out that he already had a traffic study done for the whole property as single family. With higher density, the traffic would have to be looked at again. However, it is difficult to predict the traffic from Light Industrial. Chair Dorow mentioned that many cities use apartment zoning as a transition between Industrial and Low Density Residential, as a barrier to light, noise, and vibration.

Chair Dorow asked Mr. Garza about the proposed noise easement. Iron Horse Real Estate also suggested a recorded document to notify buyers and residents of the proximity to industrial. Mr. Garza pointed out that people who live here are aware of the noise from the industrial area. It is different depending on the weather and wind direction. Chair Dorow said that it would be good to put people on notice but he didn't feel the city should require it.

Steve Marek, McCain Foods, pointed out that there isn't a lot of green space in Othello. He wondered what thought was being given to that in the planning process. He thought maybe the proposal wasn't the

best place for apartments, next to a single family neighborhood. He felt a boulevard would be nice. He mentioned that McCain is not likely to expand beyond their existing footprint. It will get less noisy but maybe will need more lighting. He also mentioned that trucks with their "jake brakes" near Lee and Broadway were louder than anything happening at the McCain plant. Chair Dorow said that about 20 years ago, there were signs against this but the Police Chief at the time didn't like too much signage so had the signs taken down. He didn't know if the ordinances still prohibit it.

Commissioner Sawyer was concerned about making Othello into a bedroom community. She wouldn't want to see a lot of people moving in without work, and didn't want to pack people in. Commissioner Brian Gentry said he has to deal with the emergency situation of housing every day. A lot of people who come to see him, he doesn't know where they are living. There is a huge need for housing. Chair Dorow pointed out there is also a need for diverse housing types at all income levels. Commissioner Gentry said it is difficult to find places to put apartments. No one wants apartments next to them. Traffic on 7<sup>th</sup> Ave. is like a drag race every day. He doesn't see a way around adding areas for apartments. Mr. Garza pointed out that there are complications no matter where you locate high density housing.

Chair Dorow mentioned he would like to work on determining where heavy industry should locate in the future, and he would like the current recommendation to include the 1350' separation.

Commissioner Maria Martinez asked if the multifamily units would be rentals or sold. Mr. Garza responded that they would be rentals. Chair Dorow explained that the Housing Needs Analysis found that rental housing was a deficiency, so single individuals are renting whole houses because that's all they can find, making those houses unavailable for families. Small rental units are needed. Commissioner Martinez said there is not much that is affordable, so multiple generations need to live together because young people just can't afford to live on their own. Chair Dorow pointed out that the Commission has to look at what is good for the whole community. Mr. Garza mentioned that one of the concerns the Council has had is that if no one will build apartments, then there will be more subsidized apartments which don't pay any taxes. Commissioner Martinez said she understood the need for more apartments but didn't feel this was the right location.

Motion to recommend to City Council that the Sand Hill Estates Comprehensive Plan Amendment and Rezone to change 18 acres north of Sand Hill Estates #4 & 5 from Open Space Urban Reserve to R-4 Residential be approved, and that in any rezoning, at least 1350' of transitional zoning be maintained between Heavy Industrial and Residential. M/S Dorow/Gentry. Motion passed 4-1, Commissioner Martinez opposed because she was not comfortable with apartments in this location.

#### Findings & Conclusions:

1. **Changed conditions:** It is clear that conditions in this area have changed significantly since the Open Space designation was first applied in 1995. The full range of urban services is now available so it no longer makes sense to zone this land for agriculture. The land is needed for the urban development it had been reserved for, so it is time to rezone it for an urban use.
2. **Separation:** A separation of 1200' to 1400' between Heavy Industrial and Residential is sufficient to protect the Residential from impacts such as light, noise, and vibration. With this separation, industrial development is also protected from concerns from residential, so industrial growth is not hindered. For Othello, 1350' of separation should be required.
3. **Location:** The property is 1350' from the Heavy Industrial designation north of Lee Road and over 1350' from the existing Heavy Industrial boundary to the west.

4. **Screening:** OMC 17.74.060 Property Line Screening requires “full screening” by a nonresidential project abutting residential development, consisting of a fence and landscaping. This will be required at the time of development of the nonresidential project.

Gil Alvarado asked for clarification whether the Commission was making a recommendation about areas outside the requested rezone area. They are not at this time. Property owners are free to make application for changes at any time.

#### **BUILDING & PLANNING DEPARTMENT REPORT**

Chair Dorow recommended that Commissioners review the July Building & Planning Report.

Ms. Henning mentioned the department received an application for a new-construction accessory dwelling unit, which would be the first that is not a conversion of an existing building. However, she had to deny it because it showed 3 bedrooms. The OMC allows a maximum of 2 bedrooms. The applicant has been informed but has not responded yet.

#### **BIKE LANES**

Commissioner Martinez asked about the new bike lanes on 7<sup>th</sup> and Scooteny. She is concerned about how they are being used and felt the symbols are confusing. She has seen people biking in both directions. Chair Dorow said bicycles should go in the direction of traffic. It would be good to have an education video shared to the public. He mentioned traffic safety has been an issue for a long time, and there was a lot of interesting driving when the traffic circles first went in. The Commission has been working on making biking and walking more safe. Commission Martinez said she would like to see improvements in the Edson Tracts area, where there are a lot of people walking to town. But that is outside city limits.

#### **ADJOURNMENT**

Having no further business, the meeting was adjourned at 7:36pm. Next regular meeting is Monday, September 18, 2023.

\_\_\_\_\_  
Chris Dorow, Chair

Date: \_\_\_\_\_

\_\_\_\_\_  
Zuleica Morfin, Building and Planning Secretary

Date: \_\_\_\_\_

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: September 18, 2023

SUBJECT: Zoning – OMC 17.59—Home Occupations—Discussion

When the Zoning Code was updated (2017-2020), our goal was to deal with the most glaring inconsistencies and the most important aspects that needed change, with the idea that we could come back to the other sections as we discovered problems with them.

In Spring 2022, Home Occupations had been coming up enough that we started the process to bring this section of the code up to date; however, more pressing issues crowded out completing this item. Now we are back to looking at this code section.

The world has changed a lot since 1995 when Othello's home occupation rules were adopted. Just in recent times and specific to Othello, conversion of garage area to living space is now allowed in certain circumstances, and accessory dwelling units are allowed. More generally, home-based businesses have become more common, as people try to supplement their incomes or work for themselves rather than an outside employer. Attitudes toward appropriate uses in residential have also been changing, as well as attitudes toward regulation of how people use their property.

Since the last discussion was over a year ago and only 2 Commissioners were present at that discussion, the minutes and the information presented at the time are being provided here, for renewed discussion.

### Staff Comments

#### History

Date	Action
Feb 2022	Topic introduced
March 2022	Discussed briefly
April 2022	Extensive discussion but did not have a quorum (study session)
May 2022	On agenda but too many other things so didn't have time to discuss

#### Previous Staff Report Information (Spring 2022):

1. Staff looked for examples of more modern home occupation codes but they proved hard to find. Many of the codes are very similar, with just slightly different phrasing. Many also seem unnecessarily wordy and bureaucratic; staff is in favor of shorter and simpler regulations. Links to each code are included in the headers of the charts. In addition, copies of the most concise codes have been attached to this staff report for easy reference. Staff contacted these 5 jurisdictions for input on how their home occupation codes have been working. Here is the feedback received at the time:
  - a. Anacortes (population 17,750) – Planning Manager says their code seems to work quite well. They have received 6 or fewer applications per year for the last 10 years. The regulations do not apply to home offices or similar that don't have any customer or employee visits to the site, so she feels that cuts down a lot on the paperwork for her department.

- b. Marysville (population 71,250) – A Senior Planner says the code has been in place for some time, with just a couple of minor tweaks over the years. It seems to function well, and they have a lot of home occupations. One issue that comes up is that home-based businesses can outgrow the intent of a home occupation, and then Code Enforcement has to get involved to get them back in line with allowable square footage, number of clients, storage, etc. Another Senior Planner says that the only uses that have been challenging to administer are those related to firearms, auto repair, and home-based veterinarians, so she recommended more consideration of those types of uses if any are likely to be an issue here.
  - c. Sedro-Woolley (population 12,330) – Planning Director feels the code is out of date and needs to be revamped. The current structure of needing to review the applications creates a lot of work for him because he receives about 20 applications per week. (*Note: This is much higher than Othello's volume of about 5 per month*). He would like to be able to automate the review and approval process to lessen the time commitment.
  - d. Spokane Valley (population 104,500) – Administrative Assistant/Business Licensing Specialist say their code works quite well. She said there have been a few instances where they felt having more specifics would be helpful, such as how many customers a home occupation can have in a day. They have had just over 200 home occupation applications so far this year.
- 2. Staff compiled a chart of the uses that were listed in the various ordinances as allowed or prohibited. Obviously, none of the lists were meant to cover all circumstances, but the length of the chart shows the futility of trying to list uses. Some codes had no lists at all, and others listed prohibited but not allowed uses. If there are uses that someone might reasonably propose but are clearly never suited as a home occupation, those could be listed as specifically prohibited in the updated code. Alternatively, standards could be set for proposed home occupations to be approved or denied based on whether they could meet those standards.
- 3. Several codes had exemptions that could be considered:
  - a. Anacortes does not require a home occupation license for a home office or home telephone or internet sales, or similar, with no customer or employee visits to the site.
  - b. East Wenatchee does not require a home occupation license for offices for businesses conducted elsewhere (construction contractors, lawn care, janitorial, etc.) where the only activity at the home is administrative such as scheduling, billing, accounting, etc. (*Note that this is the majority of home occupations applied for in Othello, specifically small trucking operators*).
  - c. Spokane Valley exempts from the fee home businesses that meet certain standards: No exterior alterations, no deliveries, no customers on site, no signs or window displays, no outside employees.
  - d. Wenatchee has a category for “mailing-address-only home occupations” for authors, composers, and writers; home offices using phone, mail, and internet; internet businesses; services and activities not performed at the residences, such as Tupperware parties; Avon and similar (but activities still might need regular home occupation license); and businesses that do not include customers coming and going from the residence. This category is not allowed any signs on the premises, the home address shall not be used in advertising, no outside employees coming to the home, no deliveries beyond those expected in a residential neighborhood, no stock in trade kept on the premises unless stored entirely within the primary residence, and no equipment or employees dispatched from the home.

4. The Commission should consider what purposes are we trying to achieve by regulating home occupations. According to Municipal Research & Services Center (MRSC, a non-profit organization that provides legal and policy guidance to Washington local governments), typical functions that business licensing serves include:
  - a. Monitoring business activities operating within city limits,
  - b. Regulating certain businesses to ensure public safety and code compliance, and
  - c. Generating revenue.
5. The purpose statements specific to home occupation codes include the following:
  - a. Allowing activities for profit within a dwelling while maintaining the residential character of the property and avoiding detrimental effects to the surrounding neighborhood. (Anacortes)
  - b. Recognize the desire and/or need of some citizens to use their residence for business purposes. Ensure home occupations will not be detrimental to the character and livability of the surrounding properties, maintain and preserve the character of residential neighborhoods, ensure home occupations are compatible with other uses permitted in residential districts, provide flexibility for residents to use their homes as their workplace and encourage creativity in careers. (East Wenatchee)
  - c. Preserve the residential character of neighborhoods from commercial encroachment while recognizing that certain business activities are compatible with residential use. (Ephrata)
  - d. Allow small scale commercial operations while guaranteeing all residents freedom from excessive noise, traffic, nuisance, fire hazard, and other possible effects of commercial uses in residential neighborhoods. (Marysville)
  - e. Protect residential areas from potential adverse impacts as a result of commercial activities. Also to permit residents a reasonable use of their residence as a place of livelihood and/or for supplementing personal/family income. (Moses Lake)
  - f. Create an administrative framework to authorize business uses that do not pose a disruption to or a conflict with the residential environment. (Pasco)
  - g. Protect residential areas from the adverse impacts of business activities, allow residents to use their homes as a place of livelihood and the production or supplementing of personal and family income, and establish standards. (Pullman)
  - h. Provide residents with the option to use their residence for small-scale business activities that do not interfere with the residential character of their neighborhood. (West Richland)
6. Othello's priorities should guide Othello's regulations.
7. For reference, annual city revenue from all business licenses (all commercial uses including home occupations) is about \$60,000. The cost of a business license is \$80 (plus \$19 service fee to the state). The reporting system does not distinguish between home occupations and other business licenses, so we are unable to say how many home occupations there are.

## Attachments

- Minutes of April 2022 Planning Commission Study Session (*packet p.13*)
- Existing Othello Home Occupation Code OMC 17.59 (*packet p.16*)
- Comparison chart of home occupation regulations in selected cities (*packet p.20*)
- Comparison chart of uses specifically allowed or prohibited as home occupations in selected cities (*packet p.26*)

- Sample codes:
  - Anacortes Municipal Code 19.47.040 Home Occupations (*packet p.30*)
  - Kennewick Municipal Code 18.42.090 Home Occupations (*packet p.31*)
  - Marysville Municipal Code 22C.190 Home Occupations (*packet p.32*)
  - Sedro-Woolley Municipal Code 17.68 Home Occupations and “home occupation” definition from 17.04.030 Definitions (*packet p.34*)
  - Spokane Valley Municipal Code 19.65.180 Uncategorized Uses, Section A, Home Businesses (*packet p.35*)

**Action:** The Planning Commission should discuss the home occupation regulations and provide direction to staff, specifically:

1. Standards that should or should not be regulated.
2. Whether uses (allowed and/or prohibited) should be listed in the code.
3. If any sample codes seem like a good model to work from.



### **CALL TO ORDER**

Chair Chris Dorow called the hybrid meeting to order. Because there was not a quorum of Commissioners, this was a study session rather than a regular meeting.

### **ROLL CALL**

**Commissioners Present:** Chair Chris Dorow and Brian Gentry

**Absent:** Alma Carmona, Daniela Voorhies, and Kevin Gilbert

**Staff:** Planning Secretary Zuleica Morfin

**Attendees:** Councilmember John Lallas, Bob Carlson, Jake Mendez

### **MINUTES APPROVAL**

Bob Carlson pointed out an error in the March minutes to be corrected before the minutes are brought back for formal approval next meeting.

### **PUBLIC INPUT**

Chair Dorow explained an update to state law that requires the Commission to allow public input before any decisions are made. This will be a new item on the agenda. He considered whether to set a 5-minute time limit like the Council has, but since public attendance at Planning Commission meetings is typically small, he felt a set limit is not needed at this time. The time limit might be revisited in the future if it becomes an issue.

### **ZONING UPDATE – HOME OCCUPATIONS – OMC 17.59 – DISCUSSION**

Chair Dorow explained that the Planning Commission worked for several years on a major update of the zoning code, which simplified the code and made it more consistent. But some topics were left out, to come back to later, like Home Occupations.

Staff looked for examples of more modern Home Occupation codes, to use as models, but many seemed very similar and/or too complicated. A few short examples were provided.

Chair Dorow stated that the only problem he saw with current Othello code is the list of allowed and prohibited businesses. A beautician is allowed in most cities but not Othello. He didn't see why a beautician should be disallowed when it seems similar to uses that are allowed, like massage. He would like to set up rules to allow appropriate businesses while managing businesses that are incompatible with residential. Many cities don't have lists of allowed/not allowed, just set standards.

Need to encourage entrepreneurial spirit without allowing infringement on neighbors.

Bob Carlson said he would like to see a prohibition of retail sales in residential. Chair Dorow agreed, he felt that was better than trying to limit the number of customers. Mr. Carlson pointed out that hours of operation are not addressed in the current code but should be. Chair Dorow agreed.

Chair Dorow felt the first section of the code (17.59.010 Home Occupation Defined) should be cleaned up, because it is too wordy. All the concepts are important but could be stated more concisely. This section says basically the same thing multiple times when once would have been sufficient: business clearly incidental to the residence, must not change residential character of the dwelling, no outward appearance or characteristic of a business.

Chair Dorow felt that if a business was not creating noise and not generating traffic, it is not a home occupation by the current definition. An example would be making items, such as metalwork, that are sold over the internet. He felt the definition would need to be precise. He felt if items are created in a shed/workshop but not sold out of the house, then it is not a home occupation. He felt the line was when clients came to the home, and how many clients.

Chair Dorow listed what he felt were deficiencies in Othello's Home Occupation code: Outside storage, no transfer of home occupation permit, regular business license requirements (bring up to standard), shipping and receiving, requirements for expansion, client limit, working hours/hours of operation.

Chair Dorow was surprised that of the 12 other codes reviewed by staff, Moses Lake was the only city other than Othello to not allow a home occupation in an accessory building. Group tried to think of businesses that might need to be in an accessory building. Mr. Carlson brought up vehicle repair. Chair Dorow stated that vehicle repair shouldn't be allowed as a home occupation, due to noise, smell, deliveries, and removal of contaminants.

Non-resident employees. About half of cities reviewed, including Othello, do not allow this. Chair Dorow is inclined to allow a non-resident employee, as long as it is **in addition** to resident employees, and not the homeowner renting space to a non-resident to operate a business unrelated to the residents. The feeling was that a non-resident employee might be important to a business such as legal or medical that might need a receptionist/bookkeeper.

Signage. Othello limits home occupation signs to 1 SF. Most cities allow more signage, at least 2 SF. Chair Dorow thought 1 SF was too limiting. Jake Mendez pointed out that signs in Othello may need to have both English and Spanish, so would need to be larger. Chair Dorow thought that 4 SF would be about right. But home occupation signs should not be illuminated. The point of the sign is not to attract random traffic but just to confirm to a customer that they are in the right place.

Number of clients. One at a time? Would beauty salon have waiting area? Space is limited to 30% of the residence. Commissioner Gentry asked whether a married couple would be allowed to have an appointment to talk about their taxes. Chair Dorow felt that the couple would be considered one client. By limiting to 1 at a time, that also limits the parking needed.

Retail. Chair Dorow likes the East Wenatchee provision, which allows retail when supportive of the business (shampoo at beautician, etc.) Bob Carlson brought up a woodshop selling its products. Jake Mendez brought up selling products over the internet. Chair Dorow felt that selling products over the internet or at craft shows were not home occupations, because no customers come to the house. He felt retail from the home should be prohibited other than when supportive of the service.

Traffic. Current rules about traffic are consistent with the other jurisdictions, so should just leave it in. Shows the expectations for appropriate businesses.

Parking. 1 for non-resident employee. 1 for customer. Don't want to require excessive parking.

Noise, vibration, electrical interference, etc. All the jurisdictions had similar provisions. Chair Dorow felt the existing code was good.

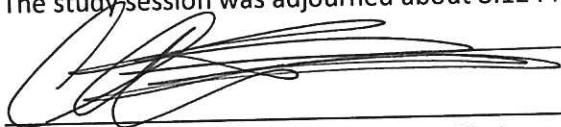
Should small engine repair be allowed? Existing lawn mower tune-up business on 15<sup>th</sup> Ave. Any complaints? Is the amount of noise comparable to people mowing their lawns?

Outdoor storage. Most cities prohibit it. Does the code already address this elsewhere?

Operating hours. Different in a residential zone than commercial zone. Discussed 7 AM to 7 PM or 9 PM for clients. But maybe not important to regulate it, would be self-limiting.

**ADJOURNMENT**

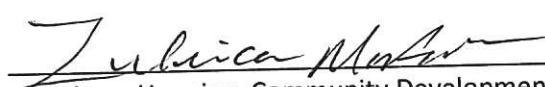
The study session was adjourned about 8:12 PM. Next regular meeting is Monday, May 16, 2022.



Date:

5-16-22

Chris Dorow, Chair



Date:

5/16/22

Anne Henning, Community Development Director

## **Chapter 17.59 HOME OCCUPATIONS**

Sections:

[\*\*17.59.010 Home occupation defined.\*\*](#)

[\*\*17.59.015 Application for home occupation uses and appeals.\*\*](#)

[\*\*17.59.020 Permitted occupations.\*\*](#)

[\*\*17.59.030 Participation restricted.\*\*](#)

[\*\*17.59.040 Floor area limitation.\*\*](#)

[\*\*17.59.050 Advertising and appearance restricted.\*\*](#)

[\*\*17.59.060 Accessory building use prohibited.\*\*](#)

[\*\*17.59.070 Retail sales prohibited.\*\*](#)

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[\*\*17.59.090 Noise and interference prohibited.\*\*](#)

[\*\*17.59.100 Prohibited occupations.\*\*](#)

**17.59.010 Home occupation defined.**

A home occupation means any endeavor conducted for financial gain or profit in a dwelling unit where the endeavor is not generally characteristic of activities for which dwelling units are intended or designed, provided, that endeavors where the only activities include the receipt of mail, the use of a telephone, the occasional commercial delivery of goods and materials not inconsistent with such vehicular traffic in residential neighborhoods, are not considered home occupations subject to permitting requirements under this title. To be defined as a home occupation, the occupation or activity:

- (1) Must be carried on entirely within a residence by the occupants.
- (2) Must be clearly incidental to the use of the residence as a dwelling.
- (3) Must not change the residential character of the dwelling.
- (4) Must be conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term.

- (5) Must not infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended.

An occupation which does not meet this definition or which is incapable of or does not comply with the general requirements of this title shall not be deemed a home occupation. (Ord. 948 § 2 (part), 1995).

**17.59.015 Application for home occupation uses and appeals.**

An application for a home occupation use shall be submitted to the clerk's department for consideration. Such uses may be permitted by the individual(s) designated to review the applications subject to the provisions of this chapter. Any party aggrieved by a decision rendered by the individual(s) reviewing the application may appeal the decision to the hearing examiner, subject to the provisions of Chapter 19.11, Appeals. (Ord. 1546 § 6, 2020: Ord. 1066 § 1, 2000: Ord. 948 § 2 (part), 1995).

**17.59.020 Permitted occupations.**

Permissible home occupations include but are not limited to the following:

- (1) Accountant and tax consultants;
- (2) Artists and writers;
- (3) Architects and draftsmen;
- (4) Dressmakers, seamstresses and tailors;
- (5) Music or dance teachers;
- (6) Catering and party decorators;
- (7) Office facilities used in conjunction with business activities conducted off the premises, e.g., clergymen, salesmen, brokers, professional persons, etc.;
- (8) Tutoring;
- (9) Massage parlors;
- (10) Small appliance repair.

The above home occupations are limited to one client at a time. (Ord. 948 § 2 (part), 1995).

**17.59.030 Participation restricted.**

No person other than members of the family residing on the premises shall be engaged in such occupation. (Ord. 948 § 2 (part), 1995).

**17.59.040 Floor area limitation.**

The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. (Ord. 948 § 2 (part), 1995).

**17.59.050 Advertising and appearance restricted.**

There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building. (Ord. 948 § 2 (part), 1995).

**17.59.060 Accessory building use prohibited.**

No home occupation shall be conducted in any accessory building. (Ord. 948 § 2 (part), 1995).

**17.59.070 Retail sales prohibited.**

There shall be no retail sales of merchandise in connection with such home occupation. (Ord. 948 § 2 (part), 1995).

**17.59.080 Traffic and parking restricted.**

No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. (Ord. 948 § 2 (part), 1995).

**17.59.090 Noise and interference prohibited.**

No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. (Ord. 948 § 2 (part), 1995).

**17.59.100 Prohibited occupations.**

Prohibited home occupations include but are not limited to the following:

- (1) Barber shops;
- (2) Beauty parlors;
- (3) Kennels;
- (4) Stables;
- (5) Animal hospitals;

- (6) Pet grooming;
- (7) Real estate offices;
- (8) Restaurants;
- (9) Medical and dental clinics;
- (10) Vehicle repair, painting, servicing and renting;
- (11) Welding and metal work;
- (12) Cabinet, carpentry, and paint shops;
- (13) Mortuaries;
- (14) Private or nursery schools;
- (15) Private clubs. (Ord. 948 § 2 (part), 1995).

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Entirely within a residence	Y						Y						
Within dwelling or detached accessory structure		Y	Y	Y	Y	Y		Y			Y	Y	Y
Non-resident employees	0	0	1	1	1 temporary or irregular employee during first 18 months	1	0 (& max of 3 total employees)	0	1 <sup>1</sup>	0	2	1	0
Clearly incidental to the use as a dwelling	y		Y				Y	Y				Y	Y
Must not change the residential character of the building	Y	Y	Dwelling & site must remain residential in appearance & character	Y		Y	Y			No exterior indication of anything other than a residence.	Y		
No change to outside appearance of building	Y	Y	Y										
No outward appearance of a business	Y		No exterior or window displays, storage or materials, or sample commodities displayed outside of the building except that horticulture & floriculture products grown on the premises may be displayed outdoors.		No structural alterations to accommodate the home occupation. Unless required by law, entrance to business must be from within the residence. No window displays nor commodities displayed outside building.		Y No structural alterations. Entrance to home occupation space shall be from within the residence, except when otherwise required by law. No window displays nor commodities displayed outside building.	Y No modification of the property or exterior of its structures that indicates other than residential uses of the premises. No window displays nor shall sample commodities be displayed outside the bldg	Y No work areas or storage of materials visible from off the premises.	Y No window display nor display of sample commodities except flowers and produce grown on the premises.	Y No window display and no sample commodities displayed outside the building.	Y No structural alterations unless required by law. No change in outward appearance of the building or premises or other visible evidence of the conduct of the home occupation except 1 sign. No window display and no sample commodities displayed outside the building.	Y No structural alterations or addition unless it would be suitable for typical residential purposes if not occupied by the business.
Must not infringe on rights of neighbors to enjoy peaceful	Y	Avoid detrimental effects to the	Not detrimental to the character				Y		Y		Uses which are detrimental to the existing		

<sup>1</sup> Except building trades & similar may have more employees if they are not employed on the premises. Home occupations with >1 nonresident employee require a CUP. 1 additional parking space required when nonresident employee works on premises.

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occupancy of their homes		surrounding neighborhood	and livability of the surrounding properties and maintain and preserve the character of residential neighborhoods								residential appearance and character are not allowed as home businesses.		
Compatible with other uses permitted in residential districts		Y	Y										
# of clients	1 at a time			1 at a time, and by appt only	No more than 4 visits/day, by appt only, and only 1 at a time. Visit means up to 4 persons arriving in a single vehicle.	Services to patrons by appt only or provided off-site.		Only 2 client vehicles on site at any given time. No more than 8 customer vehicles per day. Client visits limited to 4 hrs per client visit per day.	No more than 6 during any 60 consecutive minutes. For classes, no more than 4 students at one time, but up to 6 if additional students will not generate more traffic. Occasional exceptions for recitals, demonstrations, etc.	No more than 12 per week, and no more than 2 clients on the premises at any one time.			
Floor area limitation	30% of dwelling	25% of dwelling unit, not including garage	25% of gross floor area of the structure being used or 500 SF of total floor area, whichever is less.	300 SF	25% of residential structure; and any accessory building	25% of floor area of dwelling unit or 600 SF, whichever is less	The use, including all storage space, shall not occupy >200 SF of residence or accessory structure.	Not more than 20% of the gross floor area of the residence. If in garage: not more than 600 SF.		25%		50% of one floor. If in accessory structure, not more than 50% of residence area or 800 SF, whichever is less	500 SF
Sign	1 SF, non-illuminated, flat against the wall	2 SF, non-illuminated		2 SF, attached directly to building, fence, standard, or mailbox. Unlighted or indirect illumination	Residential use sign allowed		Not allowed in R-1 unless required by law. 2 SF in R-2 & R-3. Flat against structure, unlighted. Larger sign can be allowed by	Not allowed. No media or other off premises advertising shall give the address of the home occupation.	2 SF, flush-mounted, non-illuminated. Sign shall show only the name of the occupant and type of occupation.		4 SF, unlighted, flush against exterior wall	6 SF, nonilluminated, mounted on building.	Nameplate up to 2 SF, compatible with the architectural character of the residence, shall not be illuminated or backlit without a special use permit.

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							Hearing Examiner if will not adversely affect adjacent residential uses and if extra size is essential to the sign being seen.						
Retail	Prohibited		No stock stored nor commodities kept for sale on the premises which is not necessary to the profession or craft. Retail or wholesale sales limited to products created in the course of the home occupation or incidental items associated such as hair care products in beauty salons, sheet music offered by an instructor, implements for knitting, & similar.	Prohibited	Sales limited to merchandise produced onsite and/or mail order, internet, and telephone sales with off-site delivery.	Except for articles produced thereon, no merchandise, products, goods, or wares may be displayed or offered for sale upon the premises.							
Traffic	No more than would be expected in a residential neighborhood	May not exceed that which might reasonably be generated by residential use of the premises	Shall not be headquarters or dispatch center where employees come to the site and are dispatched to other locations.	4 (2-way) client trips per day		No more than 10 average daily round trips by customers.			Should not generate significantly greater traffic volume than would normally be expected in the residential district. No more than 4		Traffic or parking of vehicles shall not be generated in greater volumes than normally expected in a	Maximum of 10 vehicle trips per day for the business. A vehicle making a delivery and then leaving immediately would be	Combined customer, delivery, and employee vehicles visiting the property shall not exceed 6 per day.

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									vehicles per hour (up to 6 vehicles/hour can be allowed after considering the availability of on-site parking, traffic circulation in the neighborhood, and business hours. Occasional exceptions for meetings, conferences, demonstrations, etc.		residential neighborhood.	considered 2 trips.  No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle.	Vehicle traffic shall not be an amount that would cause, or add to, any parking congestion problems, or represent a substantial increase in traffic through the residential area.	
Parking	Parking needed for the business shall be met off street but not in required front yard	Adequate off-street parking for customers/clients	No parking beyond that normal to a residential area and no excessive vehicular or pedestrian traffic. Shall not displace required parking for the residence. Vehicles larger than 10,000 pounds gross weight may not be operated from the premises and may not be parked on the property or adjacent streets.	Shall not create a need for additional onsite or offsite parking	No more than 2 vehicles related to the occupation, not exceeding 10,000 pounds GVW shall be kept on premises, providing that appropriate off-street parking requirements are maintained.	No more than 1 vehicle for the home occupation, shall not park within any required setbacks or on adjacent streets, shall not exceed 16,000 pounds GVW or 20' length or 8' width.	No parking of customer vehicles in a manner or frequency causing disturbance or inconvenience to nearby residents or so as to necessitate a public parking lot.	1 vehicle not exceeding 14,000 GVW	Parking of customers' vehicles should not create safety hazards or unusual congestion. At any 1 time, only 1 commercial vehicle associated with the business may be parked on-street near the premises for more than 4 consecutive hours.  1 additional parking space shall be required above the normal parking requirement for any business where 2 or more students or clients are likely to	2 more than 2 additional vehicles parked on or in the vicinity of the property due to the business at any one time.	Traffic or parking of vehicles shall not be generated in greater volumes than normally expected in a residential neighborhood. Parking shall be accommodated within the required off-street parking on private property.	2 spaces in addition to parking required for the primary dwelling (generally 2 for a house).  Adjacent right-of-way shall not be used for parking.  Required setbacks shall not be used for parking.  One home occupation vehicle allowed, shall not park within any required setback area or on adjacent streets, shall not exceed weight capacity of 1 ton.	2 spaces in addition to parking required for the primary dwelling (generally 2 for a house).  Adjacent right-of-way shall not be used for parking.  Required setbacks shall not be used for parking.  One home occupation vehicle allowed, shall not park within any required setback area or on adjacent streets, shall not exceed weight capacity of 1 ton.	No more than 2 vehicles/trailers associated with the business shall be on or near the premises at any time. Vehicles shall not be larger than a typical passenger van or 1-ton pickup, trailer not more than 18' overall length. Box-style cargo vans, semi tractors/trailers, heavy equipment, and similar vehicles are not authorized. Any vehicle or trailer that is not a typical passenger car or pickup must be parked off street. No

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Noise, vibration, glare, fumes, odors, electrical interference, etc.	No equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No visual or audible interference in any radio or TV receivers off the premises, or causing fluctuations in line voltage off the premises.	Must not create any noise, dust, glare, vibration, odor, hazardous waste, smoke, electrical interference, or other adverse impact to the surrounding residential area.	No noise, vibration, smoke, dust, odor, heat or glare which would exceed that normally associated with a dwelling.	No noise, vibration, smoke, dust, odor, heat, glare, or other conditions which would exceed that normally produced by a single residence, or would create a disturbing or objectionable condition in the neighborhood.	No materials or equipment which may be detrimental to adjoining residences because of vibration, noise, odor, or interference with radio or TV reception.	No electrical or mechanical equipment that results in a change to the fire rating of the structure(s), no visual or audible interference in radio or TV receivers, or electronic equipment, or fluctuations in line voltage off-premises.	No material or mechanical equipment shall be used which is detrimental to residential uses because of vibration, noise, dust, smoke, odor, interference with radio or TV reception, or other factor.	Noise at property line shall not exceed 55 dBA from 8 AM to 8 PM, 45 dBA from 8 PM to 8 AM.	Noise, dust, odors, noxious fumes, radioactive emissions, or vibrations emanating from the premises should not exceed that which is normally produced by a single dwelling.	No nuisance beyond what would normally be expected in a residential area.	No electronic interference with radio, satellite reception, telephone, or TV reception. Shall not generate measurable levels at the property line of noise, dust, smoke, odor, or glare. Shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted.	No equipment or process which creates noise, vibration, glare, fumes, odor or electrical interference or causes fluctuations in line voltage off the premises.	No equipment shall be installed, no products shall be stored, and no activities shall be conducted that would violate the fire or building code limitations for a nonrated wooden structure (Type VB) regardless of the construction type of the building.

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				sewer, water, electricity, garage, or gas shall not exceed normal residential levels.				endanger the comfort, health, repose, decency or otherwise comfortable enjoyment of life and property of neighboring residents.					
No outdoor storage		Y		Y	Y	Y	Y	Y	Y	Y	Y		
Deliveries/ Shipping & receiving		Not to create excessive noise or traffic	No deliveries which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer having more than a single axle.		All deliveries or shipments to or from the residence should be done by the operator of the occupation except for normal delivery service using delivery vehicles up to 26,000 pounds GVW		No materials or commodities delivered to or from the residence of such bulk or quantity to require delivery by commercial vehicle or trailer		Generally, delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle should not exceed 2 trips per week.		Loading docks and mechanical loading devices are not permitted.	Deliveries shall only be between 7 AM and 7 PM.	
Operating hours			For non-resident employees and deliveries: 7 AM to 9 PM, Mon-Sat.	7 AM to 7 PM, Mon-Sat.	8 AM to 7 PM			Client visits 8 AM to 8 PM	Client visits 6 AM to 12 midnight		7 AM to 10 PM		7 AM to 7 PM
Other		Home office or home telephone or internet sales, with no customer or employee visits to the site is not regulated as a home occupation.				Minor modifications of standards for unique circumstances such as large acreage, remote site location, small scale of use		Multiple home occupations allowed on premises, so long as the impact no greater than of 1 home occupation.					Above conditions are for "Small scale home occupations". There is also a process for large scale by conditional use permit.

	<a href="#">Othello</a>	<a href="#">East Wenatchee</a>	<a href="#">Ephrata (p.178)</a>	<a href="#">Kennewick</a>	<a href="#">Moses Lake</a>	<a href="#">Pasco</a>	<a href="#">Spokane Valley</a>	<a href="#">Wenatchee</a>	<a href="#">West Richland</a>
Accountants	A								A
Adult bookstore, adult retail							X		
Adult entertainment		X					X		
Animal hospital	X								
Artists	A	A							A
Architects	A								A
Barber shop	X				A				
Barber or beauty parlor with >1 chair									X
Beauty parlor	X				A				
Bed & breakfast					A				
Boardinghouse									X
Cabinet, carpentry, & paint shops	X		X						
Cabinet shop		A			X		X		
Café		X							
Catering	A	A							
Classes for home cooking & preserving		A							
Clinic, medical or dental	X	X	X						
Composers		A							
Computer-based services such as programming, web design, graphics		A							
Construction-related heavy equipment or vehicles					X				
Consultant									A
Cooking & preserving for the purpose of selling the product		A			Home canners				
Crematorium									X
Cryptocurrency mining		X							
Delivery service							X		
Dog boarding				X		X			
Draftsmen	A								A
Dressmakers, seamstresses, tailors	A	A			A				A
Engineer									A
Entertainment establishment									X
Firewood cutting						X			

A = Allowed   X = Prohibited

	<a href="#">Othello</a>	<a href="#">East Wenatchee</a>	<a href="#">Ephrata (p.178)</a>	<a href="#">Kennewick</a>	<a href="#">Moses Lake</a>	<a href="#">Pasco</a>	<a href="#">Spokane Valley</a>	<a href="#">Wenatchee</a>	<a href="#">West Richland</a>
(Custom) florist					A				
Fumigation services shop					X				
Funeral home		X							X
H (Hazardous) occupancy per IBC						X			
Hazardous materials generating, storage, or use									X
Home crafts, such as model making, rug weaving, lapidary work, cabinet making		A							
Hospital		X							
Industry, light							X		
Kennel	X	X	X	X		X	X	X	X
Lodging									X
Manufacturing and/or related storage							X		
Marijuana production, processing, retail, and medical cannabis cooperatives		X							
Massage parlors	A				X				
(Licensed) massage therapy					A				
Mortuary	X	X	X						
Nursing home					X				
Office facilities used in conjunction with business activities conducted off the premises, e.g. clergymen, salesmen, brokers, professional persons, etc.	A								
Outdoor storage of building or construction materials not intended for immediate use in or on the premises		X							
Party decorators	A								
Personal & professional offices (no more than 2 persons per service provider on premises at any given time, no more than 2 vehicles parked on or in the vicinity of the property as a result of the business at any one time)		A							
Pet day care									X
Pet grooming	X	A	X						
Pet training									X
Photographer					A				A

A = Allowed   X = Prohibited

	<a href="#">Othello</a>	<a href="#">East Wenatchee</a>	<a href="#">Ephrata (p.178)</a>	<a href="#">Kennewick</a>	<a href="#">Moses Lake</a>	<a href="#">Pasco</a>	<a href="#">Spokane Valley</a>	<a href="#">Wenatchee</a>	<a href="#">West Richland</a>
Private club	X		X						
(Commercial) Print shop		X							
Professional service providers					A				
Real estate office	X		X						
Rebuilding motors						X			
Rental of equipment							X	X	X
Rental of trailers		X							
Repair, computers, small electronic devices		A							
Repair, electronic equipment					X		X		
Repair, furniture					X				
Repair, household appliances					X		X		
Repair, small appliances	A	A							
Repair, small engines					X		X		
Repair & service, nonmotorized								X	
Repair, watches					A				
Restaurant	X	X	X				X		
Retail sales of goods not made on premises (except incidental items associated with the business, hair care products at beauty salon, sheet music at instructor, implements for knitting, etc).		X					No retail		No retail
Sale of produce raised on the premises is 3 or more sales events are conducted per year		A							
Sales by internet, mail, or telephone (offsite delivery)									A
Schools & studios for group instruction for no more than 12 students per class		A							
School, private or nursery	X		X						
Sculptors		A							
Slaughter and meat processing service									X
Small appliance repair	A	A							
Stable	X	X	X				X		X
Tax consultants	A								
Taxicab with single vehicle					A				
Taxi business with more than 1 vehicle					X				

A = Allowed   X = Prohibited

	<a href="#">Othello</a>	<a href="#">East Wenatchee</a>	<a href="#">Ephrata (p.178)</a>	<a href="#">Kennewick</a>	<a href="#">Moses Lake</a>	<a href="#">Pasco</a>	<a href="#">Spokane Valley</a>	<a href="#">Wenatchee</a>	<a href="#">West Richland</a>
Teacher/tutor									A
Teacher, dance	A								
Teacher, music	A								A
Towing services									X
Truck hauling and/or tow storage yard							X		X
Tutoring	A								
Typist									A
Upholstery shop					X	X			
Vehicle body repair			X	X			X		X
Vehicle building			X						
Vehicle detailing		X							
Vehicle painting	X	X				X			X
Vehicle rental	X								
Vehicle repair	X	X	X	X	X	X	X	X	X
Vehicle sales							X		X
Vehicle servicing (maintenance)		X	X			X			X
Vehicle storage									X
Veterinary clinic or hospital		X	X						
Welding & metal work	X		X			X	X	X	X
Wholesale							X		X
Woodworking shop						X			
Writers	A	A							

Codes without uses listed: [Anacortes](#), [Marysville](#), [Pullman](#), [Sedro-Woolley](#)

Codes listing prohibited uses but not allowed uses: [Ephrata \(p.178\)](#), [Kennewick](#), [Pasco](#), [Spokane Valley](#), [Wenatchee](#)

## 19.47.040 Home occupations.

A. *Purpose.* The purpose of a home occupation is to allow certain activities to be undertaken for gain or profit within a dwelling, or a building accessory to a dwelling, in any zone in which dwellings are present, while maintaining the residential character of the property and avoiding detrimental effects to the surrounding neighborhood.

B. *Applicability.* This section applies to all home occupations except a home office or home telephone or internet sales, or similar use, with no customer or employee visits to the site.

C. *Requirements.*

1. The occupation must not create any noise, dust, glare, vibration, odor, hazardous waste, smoke, electrical interference, or other adverse impact to the surrounding residential area.
2. The principal use of the premises must be residential and at no time may the home occupation exceed 25 percent of the floor area of the dwelling unit, not including the garage.
3. There may be no exterior indication of the occupation, including no outdoor storage related to the occupation, nor exterior modification of the building(s) to accommodate the occupation, other than an allowed sign (see AMC [19.67.070](#)).
4. No person other than members of the family residing on the premises may be engaged in such occupation.
5. If the occupation requires that customers or clients visit the premises, adequate off-street parking must be a condition of the permit, and traffic generated by the business may not exceed that which might reasonably be generated by residential use of the premises.
6. A home occupation permit may not be transferred to another person.
7. All regular business license requirements must be met.
8. The requirements for shipping and receiving of materials in connection with the business do not create excessive noise or traffic.

D. Any expansion or change of the nature of the home occupation that does not qualify for a minor permit revision requires a new permit. (Ord. 3040 § 2 (Att. A), 2019)

**The Anacortes Municipal Code is current through Ordinance 4011, passed January 24, 2022.**

### **18.42.090: Home Occupations.**

Under this Section the Planning Director may approve a home occupation for any residential unit, regardless of zoning designation.

- (1) The Planning Director or Designee may approve a home occupation if he finds that it complies with the following criteria:
  - (a) There must be no structural alterations to accommodate the occupation;
  - (b) Unless otherwise required by law, the entrance to the home occupation must be from within the residence;
  - (c) The use must not occupy more than 25 percent of the floor area of the residential structure; and any accessory building used in conjunction with the home occupation;
  - (d) The occupation may occupy an accessory building or structure, providing that off-street parking requirements are maintained;
  - (e) During the first 18 months of operation, a home occupation may engage one temporary or irregular employee or business assistance person in addition to members of the immediate family;
  - (f) There must be no exterior advertising, except a residential use sign;
  - (g) There must be no window displays nor commodities displayed outside the building;
  - (h) There shall be no retail sales on the premises;
  - (i) No materials or equipment which may be detrimental to adjoining residences because of vibration, noise, odor, or interference with radio or television reception will be permitted;
  - (j) All deliveries or shipments to or from the residence should be done by the operator of the occupation except for normal delivery service using delivery vehicles up to 26,000 pounds GVW;
  - (k) No more than two vehicles, related to the occupation, not exceeding 10,000 pounds GVW, shall be kept on the premises, providing that appropriate off-street parking requirements are maintained;
  - (l) There must be no exterior storage of materials or equipment other than the occupation-related vehicle;
  - (m) There shall be no more than four customer/client visits per day, by appointment only, at the residence, and no more than one on the premises at any given time between the hours of 8:00 a.m. and 7:00 p.m. For purposes of this section, one customer/client visit shall be considered to include not more than four persons arriving in a single vehicle; and
  - (n) A home occupation shall not include automobile repair, body shop work, dog kennels, dog boarding, nor construction-related heavy equipment or vehicles.
- (2) Within "R" Districts, if the Planning Director finds that the applicant cannot substantially meet each and every one of the above-described criteria, the application will be denied.
- (3) No home occupation permit is final until the applicant has obtained a business license.

(Ord. 5180 Sec. 1, 2007)

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(Supp. No. 9, Update 5)

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**Chapter 22C.190**  
**HOME OCCUPATIONS**

Sections:

22C.190.010 Purpose.  
22C.190.020 Home occupation standards.

**22C.190.010 Purpose.**

The purpose of this chapter is to allow small scale commercial occupations incidental to residential uses to be located in residences while guaranteeing all residents freedom from excessive noise, traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods. (Ord. 2852 § 10 (Exh. A), 2011).

**22C.190.020 Home occupation standards.**

(1) Home occupations are permitted as an accessory use to the residential use of a property only when all of the following conditions are met:

- (a) The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit or 600 square feet, whichever is less;
- (b) The home occupation may be located in the principal dwelling or in an accessory structure. If located in an accessory structure, the area devoted to the occupation, as described in subsection (1)(a) of this section, shall be based upon the floor area of the dwelling only;
- (c) Not more than one person outside of the family shall be employed on the premises;
- (d) The home occupation shall in no way alter the normal residential character of the premises;
- (e) The home occupation(s) shall not use electrical or mechanical equipment that results in:
  - (i) A change to the fire rating of the structure(s) used for the home occupation(s);
  - (ii) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
  - (iii) Fluctuations in line voltage off-premises;
- (f) No equipment or material may be stored, altered or repaired on any exterior portion of the premises;
- (g) Sales shall be limited to merchandise which is produced on the premises and/or mail order, Internet and telephone sales with off-site delivery;
- (h) Services to patrons shall be arranged by appointment or provided off-site;
- (i) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
  - (i) No more than one such vehicle shall be allowed;
  - (ii) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
  - (iii) Such vehicle shall not exceed a manufacturer's gross vehicle weight in excess of 16,000 pounds, a length in excess of 20 feet, or a width in excess of eight feet;
- (j) Signs in connection with the home occupation shall comply with the restrictions of MMC 22C.160.150(9);

(k) No sales or services will be conducted on the premises which will generate more than 10 average daily round trips per day by customers.

(2) A home occupation permit issued to one person shall not be transferable to any other person, nor shall a home occupation permit be valid at any other address than the one listed on the permit.

(3) In granting approval for a home occupation, the reviewing official may attach additional conditions to ensure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood.

(4) Any home occupation authorized under the provisions of this chapter shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this title.

(5) The community development director shall have authority to administratively grant a minor modification to the standards listed in subsections (1)(a) and/or (c) of this section, provided the use is consistent with the purposes of this chapter and will be operated in harmony with the character of a residential neighborhood. Minor modifications shall be limited to the home occupations standards in subsections (1)(a) and (c) of this section, provided they create no significant impacts to the residential neighborhood. The community development director is authorized to approve minor modifications only in cases of unique circumstances such as large property acreage, remote site access or site location, or small scale of use, when these circumstances ensure the commercial operation remains incidental to the dwelling and in no way alters the normal residential character of the premises. No variance shall be granted which would be detrimental to public health, welfare or environment. (Ord. 2852 § 10 (Exh. A), 2011).

## **Chapter 17.68**

### **HOME OCCUPATION PERMITS**

Sections:

- 17.68.010 General requirements.
- 17.68.020 *Repealed.*
- 17.68.030 Procedure.

**17.68.010 General requirements.**

This permit process shall apply in zones where home occupations are a permitted use subject to obtaining a permit in accordance herewith. In zones where the gainful activity itself is a permitted use, this permit is not required. (Ord. 1013 § 4.05.01, 1985)

**17.68.020 Fee.**

*Repealed by Ord. 1651-09. (Ord. 1013 § 4.05.02, 1985)*

**17.68.030 Procedure.**

The procedure for a home occupation permit application shall be as follows:

- A. The applicant completes and submits to the city planning department a home occupation permit application form together with fee. The application form will establish the necessary information.
- B. The planning director judges whether the application will conform to the definition of home occupation and grants or denies accordingly, with conditions as necessary.
- C. The decision of the planning director may be appealed to the hearing examiner pursuant to the procedures set forth in Chapter 2.90. (Ord. 1607-08 § 7(K), 2008: Ord. 1312-98 § 1 (part), 1998: Ord. 1013 § 4.05.03, 1985)

Definition from SWMC **17.04.030 Definitions.:**

“Home occupation” means a gainful occupation carried on in a residence in which:

1. No outside help is employed on the premises;
2. The business utilizes no more than twenty-five percent of the gross floor area of the structure in which it is located;
3. There are no more than two additional vehicles parked on or in the vicinity of the property due to the business at any one time;
4. There are no more than twelve clients or customers visiting per week and there are not more than two clients on the premises at any one time;
5. No work areas or storage of materials are visible from off the premises, nor other exterior indication given of anything other than a residence;
6. No nuisance is created beyond what would normally be expected in a residential area.

**19.65.180 Uncategorized uses.**

A. Home Businesses. The following supplemental regulations apply to all home businesses.

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

- a. There are no proposed exterior alterations to the residence or any accessory structure(s) which change the residential character of the property;
- b. Goods and commodities associated with the business are not delivered to the premises;
- c. There are no business customers visiting the premises;
- d. There are no signs or window displays on the property related to the business; and
- e. Any employee(s) engaged in the business shall live in the residence.

2. Home businesses are permitted as accessory uses, except as indicated by SVMC 19.65.180 (A)(3), incidental to the property’s primary use as a residence, subject to the following requirements:

- a. Business owner shall be primary resident;
- b. Property shall retain a residential appearance and character;
- c. All storage shall be enclosed within the residence or accessory structure;
- d. There shall be a limit of two employees not residing on the premises engaged in the home business;
- e. One unlighted sign placed flush against the exterior wall of the primary structure not exceeding four square feet in area is permitted;
- f. There shall be no window display nor shall sample commodities with the exception of flowers and produce grown on the premises be displayed outside the building(s);
- g. The hours of operation are limited to 7:00 a.m. to 10:00 p.m.;
- h. The home business use shall not create electronic interference including, but not limited to, interference with radio, satellite reception, telephone, or television reception, nor generate measurable levels at the property line of noise, dust, smoke, odor, or glare. The business activity shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted;
- i. Loading docks and mechanical loading devices are not permitted;
- j. Traffic or parking of vehicles shall not be generated in greater volumes than normally expected in a residential neighborhood. Parking shall be accommodated within the required off-street parking on private property; and
- k. Uses which are detrimental to the existing residential appearance and character are not allowed as home businesses.

3. Specific uses which are not permitted as home businesses include, but are not limited to, the following:

- a. Adult retail use establishment;
- b. Adult bookstore or adult entertainment establishment;
- c. Auto repair;

- d. Auto body repair;
- e. Cabinet making;
- f. Kennel or stables;
- g. Large appliance/electronics or equipment repair or service;
- h. Manufacturing and/or related storage;
- i. Restaurants/drinking establishments;
- j. Small engine repair;
- k. Truck hauling and/or tow storage yard;
- l. Vehicle sales;
- m. Welding or metal plating shops; and
- n. Wholesale or retail sales.

(Ord. 16-018 § 6 (Att. B), 2016).

**City of Othello**  
**Building and Planning Department**  
**August 2023**

<b>Building Permits</b>			
	Applied	Issued	Final
Residential	15 <sup>1</sup>	17 <sup>4</sup>	3 <sup>7</sup>
Commercial	7 <sup>2</sup>	7 <sup>5</sup>	4 <sup>8</sup>
Industrial	0	0	0
Total	22	24	7

<sup>1</sup> 6 single family, 7 reroof, 2 fences  
<sup>2</sup> 4 HVAC replacements (Burger King, Ace Hardware, LDS Churches on Rainier & 7<sup>th</sup>), new hood at Tatis Bakery, Signs at Easterday Farms and STCU  
<sup>4</sup> 5 single family, 1 triplex, 1 remodel, 9 reroof, 1 fence  
<sup>5</sup> Remodel of 2 classrooms into counseling office at McFarland, STCU sign, 4 HVAC replacements (Burger King, Ace Hardware, LDS Churches on Rainier & 7<sup>th</sup>), new hood at Tatis Bakery,  
<sup>7</sup> 1 remodel, 3 reroof  
<sup>8</sup> 3 HVAC (Ace Hardware and LDS Churches on Rainier & 7<sup>th</sup>)

### Inspections

- The Inspector completed 118 inspections in August, including 24 rental inspections.

<b>Land Use Permits</b>		
Project	Actions in August	Status as of August 30
Amoruso/Meek/Port Boundary Line Adjustment	No change (Received, reviewed, approved in July.)	Waiting for copy of recorded document.
Charan Short Plat final plat	Reviewed for code compliance. Compiled comments and issued approval letter.	Waiting for mylars.
Ochoa Annexation (E of 14 <sup>th</sup> , Main to Lee)	Council public hearing. Agency notifications. Created map for Office of Financial Management.	Waiting for recorded ordinance to be returned.
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	Developer's engineer talked to City Engineer about issues.	Waiting for proposals from proponent on the shared well and drain line/groundwater issues.
Sand Hill Estates #5 final plat	Street and utility improvements accepted by Council.	Waiting for mylars.

Land Use Permits		
Project	Actions in August	Status as of August 30
	Final plat approved by Council. Notice of Decision issued.	
Sand Hill Comprehensive Plan Amendment/Zone Change Request	Verified/updated mailing list of property owners within 350'. DNS issued. Public hearing notification letter mailed. Background information for Planning Commission Looked for guidance requested by Planning Commission for separation between residential & industrial. Planning Commission public hearing. City Council set date for Council public hearing. Scheduled Committee meeting.	Committee meeting scheduled for 9/12.  Council public hearing scheduled for 9/23.
Story Rentals Final Plat (Ace Hardware)	Owner sent information from title company.	Staff needs to respond to the new information.
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 coordinate next steps. Street improvements must be completed or guaranteed before accepting mylars for recording.

### Rental Licensing & Inspection Program

- No new rental applications were submitted in August.
- 9 sites with a total of 19 units were approved in August.
- There were 24 rental inspections in August.
- 149 locations with a total of 278 units have been fully approved so far.
- There are currently 28 active applications for a total of 96 units in various stages of inspection and correction.
- In late August, we sent letters to 7 landlords who haven't scheduled inspections yet (53 units total). 3 landlords responded quickly: 1 had units inspected in early Sept., 1 scheduled inspections later in Sept., and 1 requested an extension because he is waiting for an electrician. The other 4 still have a few weeks to respond.
- In late June, we sent letters to 10 landlords who are more than 30 days past their inspections and who were supposed to have made corrections and schedule a re-inspection. All but 2 responded. We will take the next step in enforcement on the 2 who didn't respond at all.
- Code Enforcement has documents for 9 landlords who haven't responded to letters at the end of March, to get their units licensed.
- We continue to track rental units as they come to our attention, and notify the landlord to get their rental license and schedule inspections.

## **Development Projects**

- Continue to work with car wash/espresso building at Pik-a-Pop about their proposed oil/water separator. Also working with them on the standards for a garbage enclosure.
- Received first application for new-construction accessory dwelling unit, but had to deny it because it has 3 bedrooms. OMC only allows 2 bedrooms. Notified applicant but haven't heard back yet.
- Talked to contractor for Golden Fountain restaurant. They would like to replace the sunroom.
- Talked to several potential developers about MFTE (Multi-Family Tax Exemption).
- Several pre-application meetings this month.

## **Grants**

- Continued to provide input into TIB grant application for sidewalk construction.
- Participated in brainstorming on possible projects for RCO Community Outdoor Facilities Grant (Community Development Director was on the technical work group for developing the standards for this grant).

## **Transportation**

- Zoom meeting with WSDOT about public comments received on the proposed roundabout design for Hwy 26 and 1<sup>st</sup> Avenue. They are starting the formal design phase and expect to construct in summer 2025.

## **Rural Development Initiatives (RDI) Elevate Othello Project**

- Advisory Team/Planning Team monthly meeting.
- RDI focus group meetings in August. Worked on the Career Pathways group (opportunities for young people to train for and get jobs that can lead to careers they can have in Othello). Sent invitations to likely participants, hosted the meeting in Council Chambers.
- Attended RDI's meeting/dinner to nominate and brainstorm who would benefit from their upcoming leadership training.
- Created basic [webpage](#) for the Elevate Othello information.
- Letter of support for funding for local training for childcare providers.

## **Training**

- Watched required anti-harassment training and IT security training.

## **Other**

- Participated in meetings/discussions about updating the City website.
- Othello has received several compliments lately, about the speed and ease of our permit process.

## 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
<b>1. Revising Zoning and Building Standards</b>					
1.1	Coordinate future upzoning in areas likely to experience redevelopment	✓	✓	✓	✓
1.2	Modify setback, <del>lot coverage</del> , 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	<del>Remove extra lot area requirements in the R-4 zone</del>	Completed	✓	✓	✓
1.7	Continue with long-term planning for annexation and infrastructure extension	✓	✓	✓	✓
<b>2. Parking and Transportation Standards</b>					
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	✓	✓	
<b>3. Affordable Housing Incentives or Investments</b>					
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	<del>Explore the use of a Multifamily Tax Exemption (MFTEx) program for affordable housing.</del>	Completed	✓	✓	✓
<b>4. Process Improvements</b>					
4.1	Streamline permit review	✓	✓	✓	