



## CITY OF OTHELLO PLANNING COMMISSION

**Regular Meeting  
500 E. Main St.  
March 18, 2024  
6:00 PM**

*For those who would like to attend remotely, see virtual instructions on the next page*

1. Call to Order - Roll Call
2. Public Input
3. Approval of February 20, 2023 Minutes p.3
4. Sand Hill Estates 6 Short Plat – Deferral Requests – Recommendation to City Council p.6
5. Code Update – Mobile Vendors/Push Carts – OMC 4.04 – Discussion & Recommendation to City Council p.15
6. Reports
  - a. February Building & Planning Department Report p.27
  - b. Rental Licensing Annual Report p.30
7. Old Business
  - a. Zoning Update – Home Occupations – OMC 17.59 – We will return to this as soon as we finish Mobile Vendors
  - b. Housing – We should look at further implementation possibilities from the [Housing Action Plan](#) (p.15 of HAP/p.24 of PDF)
  - c. Columbia Street Local Improvement District (LID) – Nothing to report
  - d. Subdivision Update – OMC Title 16 – This should be the next big project for the Commission

***Next Regular Meeting is Monday, April 15, 2024 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)  
+1 719 359 4580 US

**Meeting ID: 818 9421 3261**

**Passcode: 357731**

Find your local number: <https://us06web.zoom.us/u/kd4WvudGHE>

**Join by SIP**

[81894213261@zoomcrc.com](mailto:81894213261@zoomcrc.com)

**Join by H.323**

162.255.37.11 (US West)

**Meeting ID: 818 9421 3261**

**Passcode: 357731**





City of Othello  
Planning Commission Meeting  
February 20, 2024  
Zuleica Morfin

### **CALL TO ORDER**

Chair Chris Dorow called the meeting to order at 6:03pm.

### **ROLL CALL**

**Commissioners Present:** Chair Chris Dorow, Brian Gentry, Alma Carmona, Kevin Gilbert, Daniela Voorhies, Maria Martinez, Ruth Sawyer

**Absent:** none

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

**Attendees:** Bob Carlson, Timm Taff

### **PUBLIC INPUT**

Timm Taff, representing the Othello School District, talked about safety hazards around schools, especially related to traffic. He mentioned that sometimes parents park an hour before school ends in order to pick up their kids. He said the School District doesn't want to stifle business or entrepreneurship, but they are concerned about safety for students. He asked the Planning Commission to consider setting distance and timing regulations as part of the sidewalk vendor regulations they are considering tonight.

### **MINUTES APPROVAL**

January 16, 2024, minutes approved M/S Martinez/Gilbert

### **CODE UPDATE - SIDEWALK VENDORS/PORTABLE VENDORS/PUSH CARTS - OMC 4.16 - DISCUSSION**

After finishing mobile food vendor/food truck regulations, in December the Commission started to focus on push carts, which are called by other jurisdictions "portable food vendors" (Richland), "street vendors" (Yakima), "sidewalk vendors" (Chino & Chino Hills, CA) or "carts and kiosks" (Chino). Ms. Henning presented Commissioners a draft for discussion which is a revision of the draft reviewed last month.

Chair Chris Dorow asked if the Commission wanted to allow pushcarts on sidewalks or just on private property. He mentioned he has noticed a lot of vendors lately, probably because of Valentines Day, and they were mostly on private property. He said the Commission could take the slow approach, and revisit the ordinance once Othello has grown more, or propose regulations for the future. The consensus was that the community is growing, so the regulations should accommodate that and support entrepreneurs, which includes allowing them on sidewalks.

Chair Dorow asked for clarification on whether to allow vendors to sell food or merchandise. The consensus was to allow both.

Ms. Henning asked for clarification on whether small tables would be allowed, as listed in the model code. At the last meeting there had been a discussion, and she wasn't sure what the Commissioners had

concluded. The consensus was that ancillary items could be allowed, as long as they fit within the specified dimensions of 4' x 8'. These dimensions would only apply to vendors within right-of-way. Vendors on private property could take up more space if allowed by the property owner.

Ms. Henning asked for clarification on the business license for business owners vs the person actually doing the vending, and the previous direction that employees would not be allowed. Commissioner Kevin Gilbert asked about a situation where one owner had multiple carts. Commissioner Ruth Sawyer mentioned she has looked into this type of business in the past, and the way you grow your business is to start with one cart and eventually expand to more. Ideas discussed were to license each cart, to have a limit on the total number of licenses allowed in town, or require licenses for both the cart and the vendor. It was concluded that input from Code Enforcement is needed on this issue.

Ms. Henning asked the Commissioners to review the language she had added to 4.16.050.D about customer queues being included in vendors leaving 4' of clearance on sidewalks. Commissioners were satisfied with the way it was worded.

Ms. Henning asked for discussion on 4.16.050.F about whether merchandise could be placed on the right-of-way and whether a permit for this is needed. Commissioner Alma Carmona felt it would be OK as long as it is kept within the 4' x 8' dimensions. Chair Dorow pointed out that a plan of the objects would be needed. Commissioner Kevin Gilbert asked that rules be kept to a minimum. Commissioner Brian Gentry felt that objects on the ground could look messy, but he felt restricting the dimensions would be adequate. The consensus was to not create a sidewalk use license and just allow objects within the 4' x 8' area the vendor would be allowed.

Ms. Henning asked the Commission to look at the dimensional requirements in 4.16.050.I and J to see if they could be simplified. The Commissioners felt section I was fine. Commissioner Daniela Voorhies felt section J was too complicated. Ms. Henning said she could break it into bullet points. Commissioner Kevin Gilbert noted that existing vendors might already take up more space than the proposal. The consensus was that the 4' x 8' dimensions only need to apply to vendors within right-of-way. Bob Carlson gave his opinion that a portable vendor shouldn't be allowed to take up required parking spaces. The Commission agreed.

Ms. Henning asked Commissioners to review 4.16.050.K, specifically whether requiring a 10' trash-free area was sufficient. Commissioner Kevin Gilbert suggested removing the 10' distance requirement, then it is more generally the area around the vendor that they must keep clean.

Ms. Henning asked Commissioners to discuss whether to allow roaming pushcarts in residential areas, as had been previously proposed. Chair Dorow felt it could cause traffic problems. Commissioner Gilbert felt an ice cream pushcart would be safer than an ice cream truck. Commissioner Gentry felt there weren't enough sidewalks in residential areas. Chair Dorow polled the Commission: 4 to 3 in favor of allowing roaming vendors in residential areas. There was a concern about vendors knocking on doors, but Ms. Henning pointed out that the Othello Municipal Code requires a solicitor's license for selling door-to-door.

Ms. Henning asked for discussion on restricting vendors from operating on any vegetation, including turf grass. Commissioners determined vending could be allowed on turf that was adjacent to a walking path. This will require several changes to the draft.

Ms. Henning asked for discussion on the distance from a vendor to various other uses, as listed in the draft at 4.16.060. Commissioners were in support of the distances listed, with the following changes:

- Chair Dorow felt 5' was too close to a fire hydrant and suggested changing it to 15' in all cases. Ms. Henning will confirm the distance with the Fire Chief.
- In 4.16.060.F.1, in consultation with Timm Taff from the School District, Commissioners changed the time of restriction around schools to include 30 minutes before and after school and events.
- In 4.16.060.F.2 & 3, Commissioners noted that the provisions were similar, except that one was for restaurants and the other for any business, and one was from the entrance and the other didn't specify if it was from the entrance, the building, or the property line. Ms. Henning pointed out that any type of food vendor is in competition with a restaurant, which is why there is a special provision for restaurants. She also pointed out that 100' from a property could be very restrictive. The vendor does need to get permission from the owner of the location.
- Commissioners felt 5' was too close to a driveway or alley and increased it to 15'.
- The 25' distance from a building entrance (4.16.060.G.10) was deleted. The property owner can determine how close they want to allow the vendor to their building entrance. The Chino Hills code that was the model did not require abutting property owner permission.

Chair Dorow noted that districts for vendors are not needed because the requirements for distance from various other uses limits them pretty well. Commissioner Gilbert mentioned that it would be helpful to have a map of allowed locations.

#### **ADJOURNMENT**

Having no further business, the meeting was adjourned at 8:02pm. Next meeting is Monday, March 18, 2024.

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

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

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

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

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: March 18, 2024

SUBJECT: Sand Hill Estates 6 Short Plat – Deferral Requests – Recommendation to City Council

Scott McArthur, on behalf of Palos Verdes LLC, requested deferrals for a 1-lot short plat of 9.3 acres to construct multi-family dwellings north of Sand Hill Estates 4 and 5 (Cascade Street). The requests are to defer extension of utilities and easements through the plat, and to defer 11<sup>th</sup> Avenue street and utility improvements. OMC 16.40 sets up a process for deferral of improvements and waiver of requirements, including a recommendation by Planning Commission and approval by City Council.

### **Staff Comments**

1. The Commission is reviewing only the deferral waiver requests. The short plat itself is reviewed by staff.
2. Requested waivers and deferrals are as follows:

Requirement	Developer's Proposal	Notes
Sidewalk on both sides of 7 <sup>th</sup> Avenue	Waiver of sidewalk on west side of 7 <sup>th</sup> Avenue (across the street from the project).	This is a Public Works Design Standards waiver, rather than platting standards. The City Engineer took this issue to Council March 4, where it was approved. The Planning Commission is not being asked to act on this item.
Extend utilities (water and sewer) through the plat	Defer utilities, and only extend to serve the first 2 apartment buildings. Covenant for future extension.	The City Engineer and Public Works Director agree that it is acceptable to defer utility extension to the east boundary of the plat until completion of the 6 <sup>th</sup> apartment building. A covenant would be required.
When municipal utilities (water and sewer) are built outside of ROW, a municipal utility easement is required for access and maintenance.	Defer dedicating easement until the utilities are built.	While it makes some amount of sense to wait until the utilities are designed to be certain of where the easements should be, it is much harder to keep track of easements that aren't shown on a plat drawing. Staff would prefer the easements to be shown on the plat in the most likely locations, and then they could be modified later if needed.
Construct street and utility improvements for	Defer design and construction of 11 <sup>th</sup> Avenue improvements	The City Engineer and Public Works Director agree that it is acceptable to defer design and construction of

Requirement	Developer's Proposal	Notes
streets abutting the plat (11 <sup>th</sup> Ave)	until needed to serve future phases of Sand Hill Estates.	11 <sup>th</sup> Ave improvements until completion of the 6 <sup>th</sup> apartment building. A covenant would be required.

3. Platting is the mechanism the City has available to require street and utility improvements. In some cases, it makes sense to defer the improvements until they are needed. A covenant attached to the property title preserves the city's ability to require the improvement in the future, and also provides notice to a potential purchaser of the obligation for improvements.
4. Note that OMC 16.40 requires specific findings about the nature of the site or the area (size, topography, condition or nature of adjoining areas, unusual physical conditions) that justify granting the deferral.
5. OMC 16.40 allows the Commission to set conditions on a deferral.
6. Note that due to the timing of the application and review, the comment period closes after the Planning Commission meeting. Staff has informed the applicant that if there are substantive comments relating to the deferral requests after the Planning Commission meeting, the deferrals would be brought back to the Commission for reconsideration. Because the Commission only meets once a month, this was a way to move the project forward without excessive delay for comments that might or might not be made. The Commission's recommendation will not be forwarded to the Council until after the end of the comment period.

**Staff Recommendation:**

Staff recommends the following:

1. No action on the requested waiver ("variance") of sidewalk on the west side of 7<sup>th</sup> Avenue. This item has already been addressed by City Council as a Public Works Design Standards waiver.
2. Grant the request to defer extending municipal utilities through the plat until the completion of the 6<sup>th</sup> apartment building or September 30, 2029, whichever comes first. At that time the utilities will need to be extended to the east boundary of the plat. This deferral shall be guaranteed with a covenant.
3. Deny the request to defer dedication of easements for municipal utilities through the plat. These easements shall be shown on the plat in a location approved by the City Engineer or Public Works Director.
4. Grant the request to defer design and construction of street and utility improvements to 11<sup>th</sup> Avenue until the completion of the 6<sup>th</sup> apartment building or September 30, 2029, whichever comes first. At that time, the street and utility improvements will need to be constructed along the east boundary of the plat. This deferral shall be guaranteed with a covenant.

## Attachments

- OMC 16.40
- Deferral request received March 13
- Preliminary Sand Hill Estates Short Plat received Feb. 2
- Site plan received Feb. 26

**Action:** The Planning Commission should discuss the deferral requests and make recommendations to City Council to approve or deny each request, and any associated conditions. The Commission must make findings of fact to support the recommendations.

## 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).

City of Othello  
500 East Main Street  
Othello, Washington 99344

Received By  
**Othello Bldg & Planning**  
**March 13 2024**

Attn: Shawn O'Brien ~ *City Engineer*



**RE: SAND HILL ESTATES VI  
Subdivision Variance and Covenant Request**

Dear Shawn:

The intent of this letter shall be to formally request a variance and covenants for the above project in the City of Othello, Washington. The following shall outline these requests:

Variance to exclude the sidewalk from the West side of 7<sup>th</sup> Avenue:

- City of Othello (City) Standards require sidewalk to be constructed along each side of newly constructed public streets; however, during the construction of the 7<sup>th</sup> Avenue improvements for the Sand Hill Estates IV project, the City determined that concrete sidewalk would not be required on the West side of the 7<sup>th</sup> Avenue improvements, reducing the West half of the improvements to terminate at the installation of City standard curb and gutter, and stormwater drainage inlet, with a concrete apron, which shall convey stormwater from the centerline of 7<sup>th</sup> Avenue, to a road side ditch for infiltration. Historically speaking, the City has previously agreed to reimburse the developer for the installation of the curb and gutter in this area.

Covenant to delay the extension of the Public Utility Easement, and Public Utilities:

- This Phase of the Sand Hill Estates development shall consist of the construction of two (2) multi-tenant buildings, and an office facility, on a portion of the property in question. This Phase of the development will not require the extension of public sanitary sewer, or domestic water infrastructure; therefore, it is our request to delay the extension of the Public Utility Easement and the Public Utilities until future Phases of this development require that said infrastructure be extended, allowing for a comprehensive design, and inclusive of pertinent public utility mains and appurtenances. When the Public improvements are extended, a supplementary easement will be created to secure the City's rights to maintain the public infrastructure that traverses this project.

Covenant to delay the 11<sup>th</sup> Avenue Infrastructure Improvements:

- City of Othello (City) Standards require frontage improvements to be constructed within Public Rights of Way fronting a new subdivision; however, the 11<sup>th</sup> Avenue infrastructure shall not be required to serve this Phase of the Sand Hill Estates development, and the layout and design of this infrastructure has yet to be discussed with the City, and or analyzed for future phases of this development. Therefore, we are requesting to delay the design and construction of the 11<sup>th</sup> Avenue infrastructure until such time as it is required to serve future phases of the Sand Hill Estates development. has yet to be discussed with the City, and or designed as part of this Phase of the Sand Hill Estates development.

Thank you for your time and consideration of these request. Please feel free to contact me at 208.446.3307 or [scott@mcarthur-eng.com](mailto:scott@mcarthur-eng.com) if you have any questions.





# SAND HILL ESTATES #6 MAJOR PLAT

## EQUIPMENT & PROCEDURES

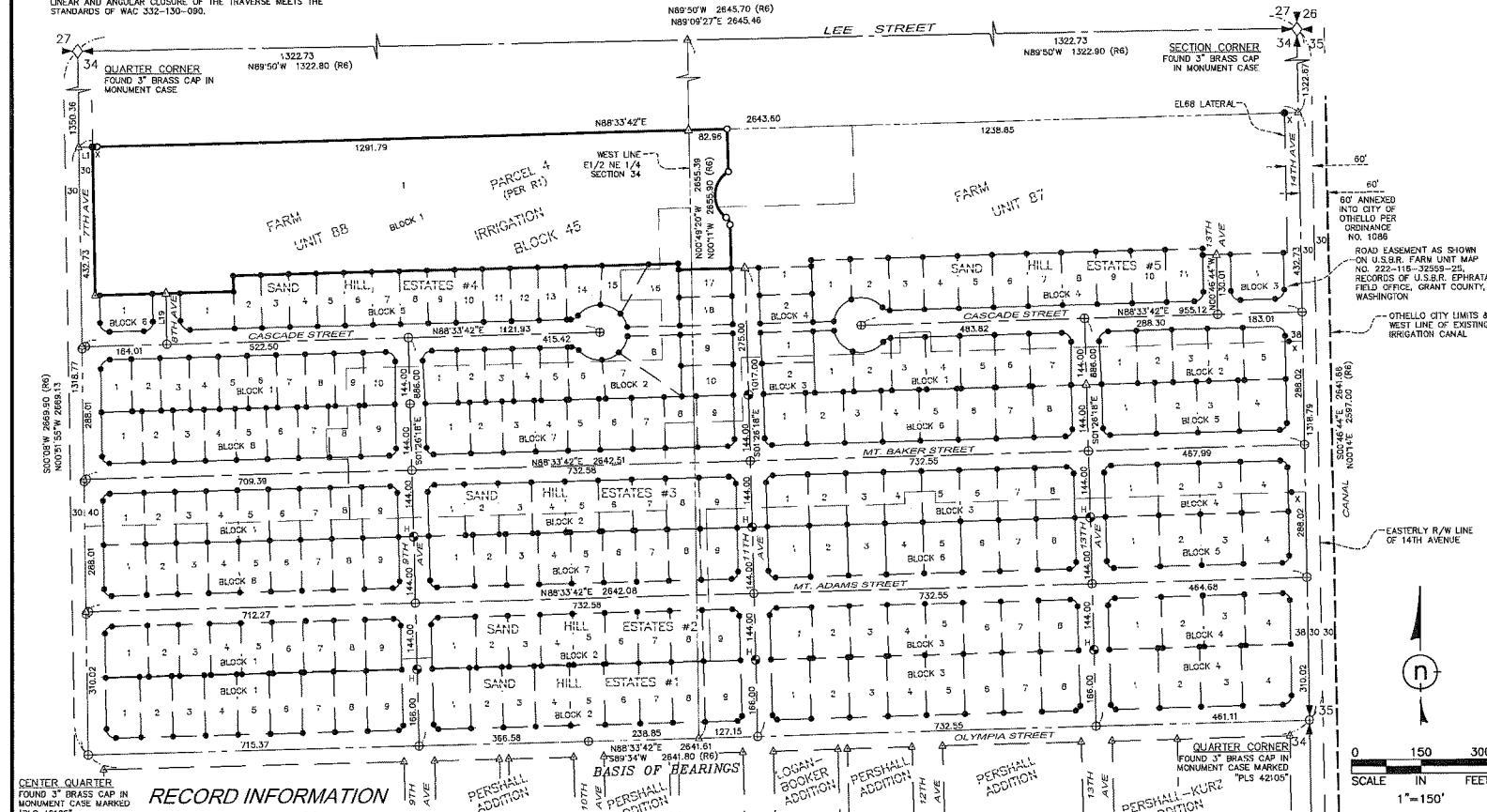
A PARCEL OF LAND LOCATED IN A PORTION OF FARM UNITS 87 AND 88, IRRIGATION BLOCK 45, COLUMBIA BASIN PROJECT, LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, CITY OF OTHELLO, ADAMS COUNTY, WASHINGTON

THIS SURVEY WAS ACCOMPLISHED BY A COMBINATION OF A FIELD TRAVERSE UTILIZING TOPCON TOTAL STATION WITH A STANDARD DEVIATION OF 2MM+2PPM FOR A HORIZONTAL ANGULAR MEASUREMENT AND A STANDARD DEVIATION OF 2MM+2PPM FOR A DISTANCE MEASUREMENT AND GLOBAL POSITIONING SYSTEM SURVEY PROCEDURES.

LINEAR AND ANGULAR CLOSURE OF THE TRAVERSE MEETS THE STANDARDS OF WAC 332-130-090.

## BASIS OF BEARINGS

THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, BEARS NORTH 90°0'0" WEST. LAST SURVEY PLAT OF SAND HILL ESTATES #6 MAJOR PLAT (98), RECORDED IN VOLUME 3 OF PLATS, PAGE 243, RECORDS OF ADAMS COUNTY, WASHINGTON.



CENTER QUARTER  
FOUND 3" BRASS CAP IN  
MONUMENT CASE MARKED  
"PLS 42105"

## RECORD INFORMATION

R1 = RECORD OF SURVEY, VOLUME "S" OF SURVEYS, PAGE 1215, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R2 = PERSHALL-KURZ ADDITION, A.F.N. 141203, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R3 = PLAT OF PERSHALL-KURZ ADDITION, A.F.N. 94901, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R4 = RECORD OF SURVEY, VOLUME "S" OF SURVEYS, PAGE 365, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R5 = MIGRANT PRE-SCHOOL SHORT PLAT, VOLUME 1, PAGE 344, A.F.N. 95297, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R6 = PLAT OF FARM UNIT PLAT OF IRRIGATION BLOCK 45, DATED 9/25/1962.  
 R7 = OTHELLO MUNICIPAL CEM. 16.2812, VOLUME 1, PAGE 243, A.F.N. 318253, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R9 = PLAT OF SAND HILL ESTATES #2 MAJOR PLAT, VOLUME 3, PAGE 267, A.F.N. 335082, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R10 = PLAT OF SAND HILL ESTATES #3 MAJOR PLAT, VOLUME 3, PAGE 267, A.F.N. 335082, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R11 = PLAT OF SAND HILL ESTATES #4 MAJOR PLAT, VOLUME 3, PAGE 276, A.F.N. 333246, RECORDS OF ADAMS COUNTY, WASHINGTON  
 R12 = PLAT OF SAND HILL ESTATES #5 MAJOR PLAT, VOLUME 3, PAGE 281, A.F.N. 335043, RECORDS OF ADAMS COUNTY, WASHINGTON

## BASIS OF BEARINGS

10TH AVE  
PERSHALL ADDITION

11TH AVE  
PERSHALL ADDITION

12TH AVE  
PERSHALL ADDITION

13TH AVE  
PERSHALL ADDITION

14TH AVE  
PERSHALL ADDITION

15TH AVE  
PERSHALL-KURZ ADDITION

LOGAN-BOOKER ADDITION

PERSHALL ADDITION

## LEGEND

- △ = CALCULATED POINT (NOTHING FOUND OR SET)
- = SET 5/8"X30" REBAR WITH PLASTIC CAP MARKED "H2 PLS 42105"
- = SET 3" BRASS CAP ON A 5/8"X30" REBAR IN MONUMENT CASE MARKED "H2 PLS 42105"
- = FOUND 3" BRASS CAP IN MONUMENT CASE MARKED "H2 PLS 42105"
- × = FOUND 5/8" REBAR & CAP MARKED "PLS 46321"
- = FOUND 5/8" REBAR & CAP MARKED "H2 PLS 42105"
- ◊ = FOUND 3" BRASS CAP IN MONUMENT CASE
- = FOUND 2" ALUMINUM CAP MARKED "H2 PLS 42105"

◆ = WITNESS CORNER SET 5/8"X30" REBAR WITH PLASTIC CAP MARKED "H2 PLS 42105"

● = FOUND 3 1/4" ALUMINUM CAP IN MONUMENT CASE

— = PROPOSED LOT LINES

- - - - = EASEMENT LINE

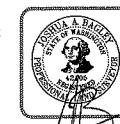
- - - - = CENTER LINE

- - - - = ADJONER LINE

- - - - = SECTION LINE

- - - - = SIXTEENTH SECTION LINE

- - - - = CITY LIMITS



342105

7800 N. MINERAL DR., STE. 900 • COEUR D'ALENE, ID 83815  
 PHONE: (208) 772-6000 • FAX: (208) 772-6619  
 WWW.J2SURVEY.COM

## LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°33'42" E	30.00
L2	N 01°23'43" W	13.71
L3	S 00°52'15" E	34.71
L4	N 44°25'29" E	3.31
L5	S 45°34'31" W	20.00
L6	S 44°25'29" W	6.52
L7	S 01°26'18" E	20.00
L8	S 00°34'31" E	34.00
L9	S 01°26'18" E	30.00
L10	S 00°52'15" W	36.68
L11	S 01°26'18" E	20.00
L12	S 88°33'42" W	28.99
L13	S 00°34'31" E	9.21
L14	N 00°52'01" W	37.30
L15	N 45°34'31" W	50.68
L16	S 44°25'29" W	6.52
L17	S 00°52'15" W	20.00
L18	S 89°08'05" W	39.03
L19	S 00°51'55" E	110.00

## SAND HILL ESTATES #6 MAJOR PLAT

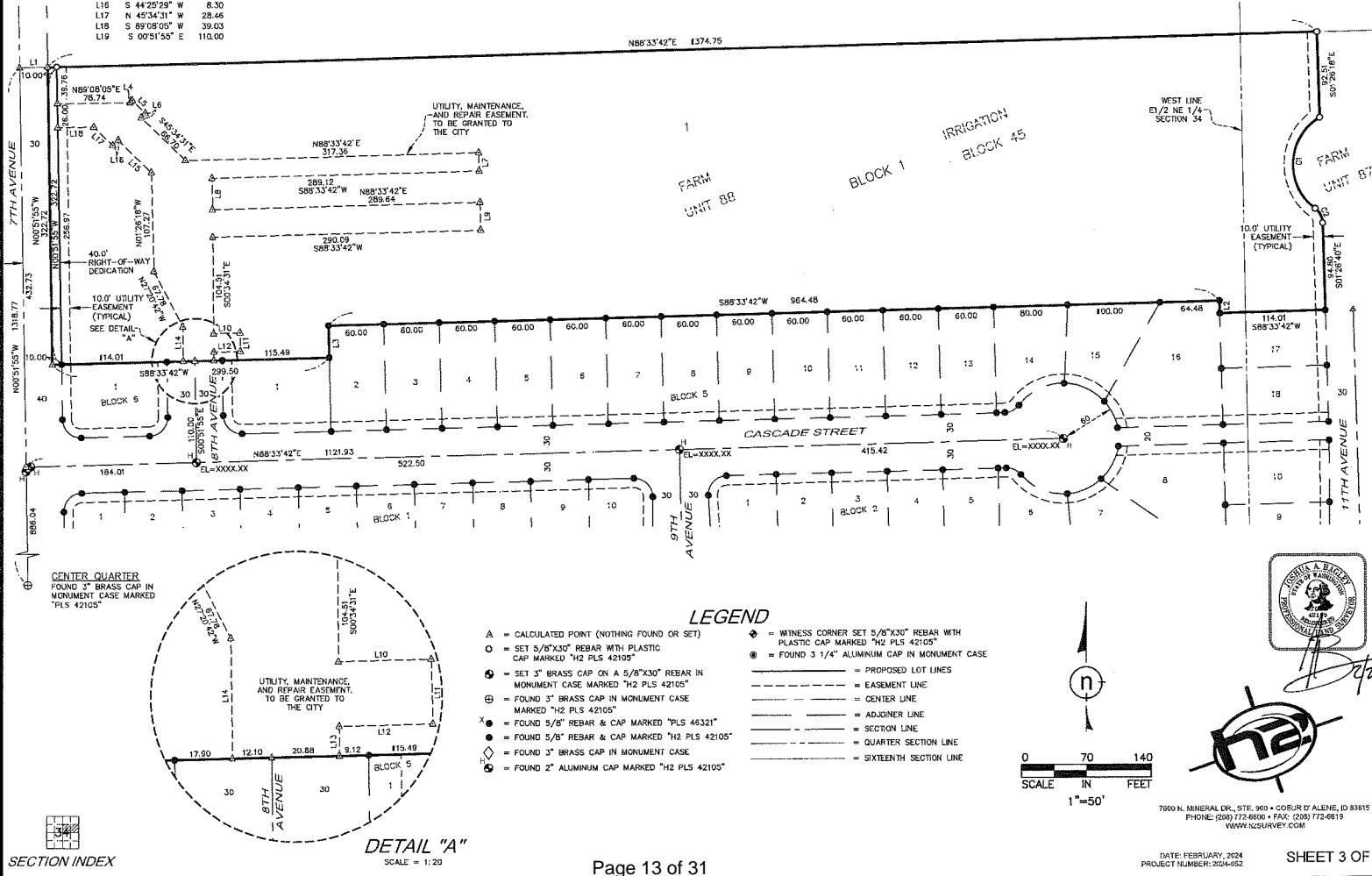
A PARCEL OF LAND LOCATED IN A PORTION OF FARM UNITS 87 AND 88, IRRIGATION BLOCK 45, COLUMBIA BASIN PROJECT, LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 16 NORTH, RANGE 29 EAST, WILLAMETTE MERIDIAN, CITY OF OTHELLO, ADAMS COUNTY, WASHINGTON

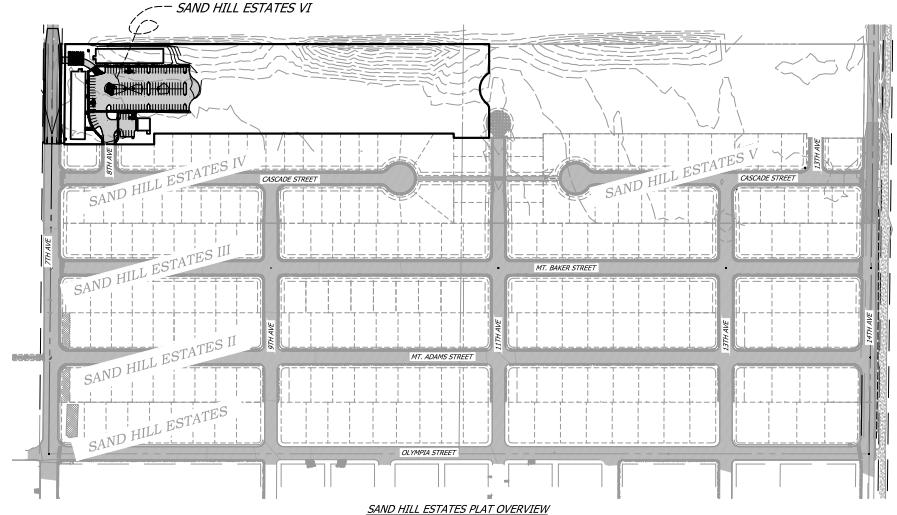
## CURVE TABLE

CURVE	ARC C1 C2	DISTANCE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE
		116.55	80.00	111°17'49"	S 025°40'7" W	80.07
		17.91	20.00	51°18'30"	S 27°03'33" E	17.32

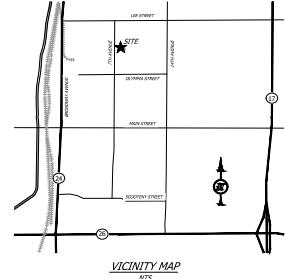
## LOT AREA TABLE

LOT	BLOCK	AREA (SQ. FT.)	AREA (AC.)
1	1	402,842	9.248

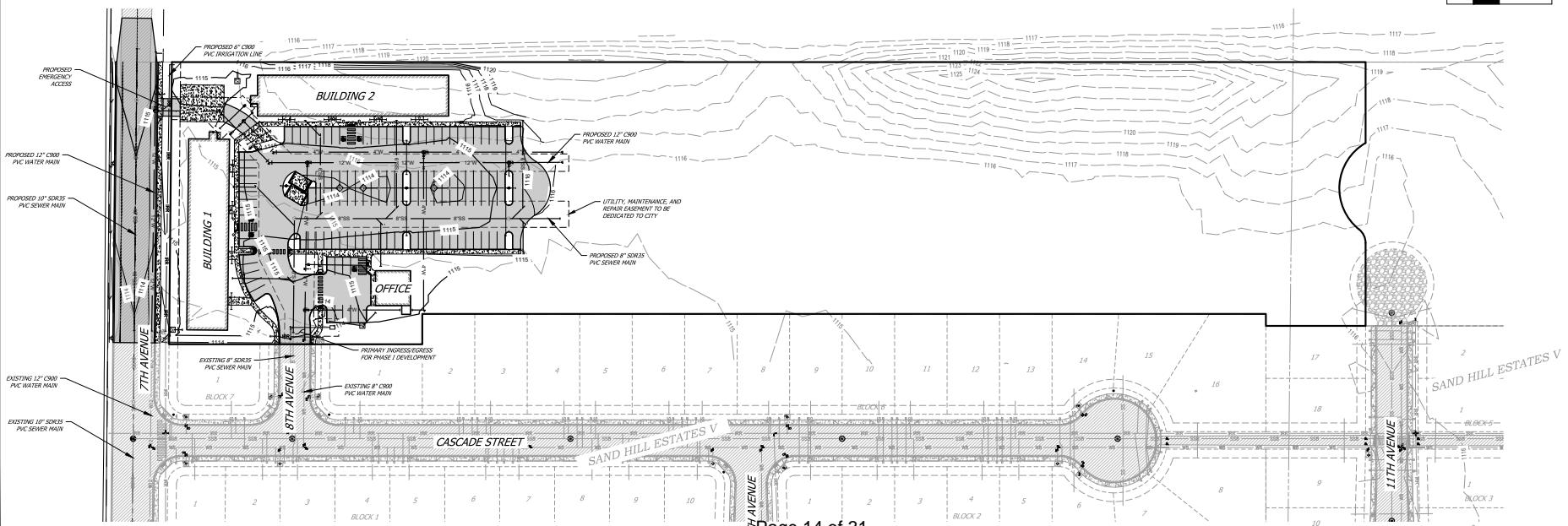
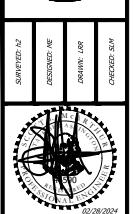




Received By  
Othello Bldg & Planning  
Feb 28 2024



**MCARTHUR**  
**ENGINEERING**  
PO BOX 2498, POST FALIS, IDAHO 83877 • TEL: 208/446-3301



TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: March 21, 2024

SUBJECT: Push Carts/Portable Food Vendors—Recommendation to City Council

The Planning Commission has been working on regulations for push carts/sidewalk vendors/portable vendors. At the February meeting, the Commission made a lot of progress, so this is a review of the changes made and the final draft, for recommendation to the City Council.

#### **Staff Comments**

1. Past meeting packets on this topic are available on the City website calendar:
  - a. [December 18, 2023](#) (p.21)
  - b. [January 16, 2024](#) (p.9)
  - c. [February 20, 2024](#) (p.9)
2. Fire Chief Gary Lebacken provided some comments (attached) which have been incorporated into the draft (see discussion below).
3. Notable changes to the draft:
  - a. The Commission determined that vendors should be allowed on sidewalks, as well as private property. The draft was edited accordingly.
  - b. Staff added a definition of “portable vendor”, to distinguish between vendors on sidewalks and those on private property. Also a definition of “vendor” so that sometimes the draft can just say “vendor” instead of “sidewalk vendor or portable vendor”. 4.16.020.D & J
  - c. The definition of “pedestrian path” was expanded to include bicycles, scooters, etc. 4.16.020.C
  - d. The Property Owner Permission section was expanded to separate private property from right-of-way, for clarity. 4.16.040.E
  - e. Code Enforcement Officer Heather Miller was very clear that each person vending needs a separate license. This is needed for the enforcement process, because the person vending would be the one to get a ticket. 4.16.050.B
  - f. A provision that a vendor can’t take up required parking spaces was added. 4.16.050.F
  - g. The Chino Hills code we used as a model prohibited sidewalk vendors from selling fireworks. The draft sent to Chief Lebacken instead had a reference to the Fireworks chapter, OMC 5.16, with the idea that a sidewalk/portable vendor would need to meet the provisions of both chapters; however, in response to Chief Lebacken’s comments, fireworks were added back into the prohibitions. So no change from the previous draft in this section, but there has been discussion. 4.16.050.G
  - h. The dimensional standards and the limit of 4’ x 8’ within right-of-way were expanded into several bullet points to try to make it easier to understand. 4.16.050.J.1 through 3.
  - i. In the Trash section, 4.16.050.K, the distance of the trash-free area was deleted from section 3, so that the vendor must keep the area trash-free without specifying the exact distance.

- j. The prohibitions against strobe lights, spotlights, fog horns, etc. were combined into one statement, and additional prohibitions against noise added specific to stationary vendors. 4.16.050.O
- k. A requirement for a fire extinguisher for vendors who are cooking or have a heat device was added per the Fire Chief comments. 4.16.050.Q
- l. A provision allowing roaming vendors in Residential was added. Clarification about soliciting door-to-door was also added. 4.16.060.A
- m. Allowing a vendor on turf adjacent to a pedestrian path was added, and the language about not locating on vegetation was modified. 4.16.060.C.2
- n. Fire hydrant distance was clarified by Chief Lebacken as 15' in all cases.
- o. The limitation around schools was expanded to 30 minutes before and after school or event. 4.16.060.E.1
- p. There was discussion about changes to the section about distance to a business versus distance to a restaurant, and whether it was the entrance or the property line. The language for the 2 uses was modified to be parallel, with the clarification that distance from a restaurant is only relevant to vendors who sell food. 4.16.060.E. 2 & 3.
- q. The distance from driveways and alleys was increased from 5' to 15', and this section was rearranged a little to group similar items together. 4.16.060.F.3 through 8

4. Issues the Planning Commission still needs to determine:

- a. Are there specific intersections or categories of intersections where the distance from the corner should be greater than others? Draft 4.16.060.F.3 limits any vendor within 15' of a curb return, but F.1 & 2 were set up in the Chino Hills code for 50' or 100' from certain specified intersections, presumably those with a lot of traffic and higher street classifications.
- b. Chief Lebacken suggested 25' distance from any building be required. This has been shown as potential changes to the draft at 4.16.060.C.4 (within parks) and 4.16.060.E.4 (all vendors). Chief Lebacken's main concern appears to be with cooking in proximity to a building.
- c. The existing Stationary Vendor Standards in [4.04.097](#) have only allowed vendors on sites where there is an existing permanent business. Are there concerns about making changes that would allow a cart or table on a vacant lot? We recently denied an application for a flea market on a vacant lot as not meeting the existing code.

5. The main business license chapter (OMC 4.04) will need some edits once the push cart chapter is done:

- a. OMC 4.04.015(h) defines "mobile vendor" as one conducting business upon public streets, sidewalks, alleys, etc. This distinguishes it from a "stationary vendor" (i), which conducts business from places other than streets, sidewalks, etc. OMC 4.04.097 has Stationary Vendor Standards, but there are no specific standards for mobile vendors. Once there are adopted standards for food trucks and push carts/sidewalk vendors/portable vendors, what are the circumstances where these sections of OMC 4.04 would apply?
  - i. Sales from a vehicle (other than a food truck)
  - ii. Anything else?
- b. It would be beneficial to add appeal provisions and general procedures to 4.04, to apply to all types of business licenses including food trucks and portable vendors. These procedural sections can be drafted by staff with assistance from the City Attorney.

## Attachments

- Fire Chief comments 2-27-24
- Draft Sidewalk Vendors and Portable Vendors, OMC 4.16

**Action:** The Planning Commission should discuss the sidewalk vendor/portable vendor draft regulations and provide any further direction to staff. Once the Commission is satisfied with the draft, they may make a recommendation to City Council. Since these are not zoning regulations, a Planning Commission public hearing is not required.

## **Anne Henning**

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**From:** Gary Lebacken <glebacken@ACFD5.COM>  
**Sent:** Tuesday, February 27, 2024 2:29 PM  
**To:** Anne Henning  
**Subject:** RE: fire hydrant clearance

Make it simple keep all cart/vendors away from buildings

Gary Lebacken  
Fire Chief  
Adams County Fire District 5  
220 S. Broadway Othello, Wa. 99344  
509-488-2951  
[glebacken@acfd5.com](mailto:glebacken@acfd5.com)

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**From:** Anne Henning <[ahenning@othellowa.gov](mailto:ahenning@othellowa.gov)>  
**Sent:** Tuesday, February 27, 2024 1:41 PM  
**To:** Gary Lebacken <glebacken@ACFD5.COM>  
**Subject:** RE: fire hydrant clearance

Thanks, Gary, these are great comments. Some questions about the last one to make sure I understand it well enough: Is the concern only when they are actually cooking? What if they are just keeping food warm? And is it only under an overhang that it is a concern?

Thanks,

**Anne Henning, AICP** | Community Development Director |City of Othello

*I am out of the office for an unknown amount of time, dealing with a family medical issue. I will be checking email but my response may be delayed.*

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**From:** Gary Lebacken <[glebacken@ACFD5.COM](mailto:glebacken@ACFD5.COM)>  
**Sent:** Tuesday, February 27, 2024 1:03 PM  
**To:** Anne Henning <[ahenning@othellowa.gov](mailto:ahenning@othellowa.gov)>  
**Subject:** RE: fire hydrant clearance

I don't believe that there are any hydrants within the parks currently , just along the public streets adjacent to the parks. Make the requirement simpler use 15' for all hydrants. Each vendor cooking or having a heat device should have a means to suppress a fire: Fire extinguisher. Please prohibit firework sales from these carts/vendor. Why not limit noise (music, bells, horns) coming from the cart/vendor if they can be stationary. And last 4.16.060 C. 4 page 5 consider "within twenty-five feet (25') of a building". They would not be able to cook under a handover on the side of a building.

Gary Lebacken  
Fire Chief  
Adams County Fire District 5  
220 S. Broadway Othello, Wa. 99344  
509-488-2951  
[glebacken@acfd5.com](mailto:glebacken@acfd5.com)

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**From:** Anne Henning <[ahenning@othellowa.gov](mailto:ahenning@othellowa.gov)>  
**Sent:** Monday, February 26, 2024 12:12 PM  
**To:** Gary Lebacken <[glebacken@ACFD5.COM](mailto:glebacken@ACFD5.COM)>  
**Subject:** RE: fire hydrant clearance

Gary,

The Planning Commission is looking at adding regulations for sidewalk vendors/portable vendors. I am attaching the draft so far.

The draft includes a requirement for 4' pedestrian clearance on sidewalks. So it could only happen on sidewalks where they are already wide.

We used a model code from Chino Hills, CA that Heather attended a training about. The instructor felt the Chino Hills code was very good. But it only required 5' distance from fire hydrants, which the Planning Commission thought wasn't enough. They thought more like 15' would be better.

The Chino Hills code had the same 5' distance from fire hydrants in parks as along sidewalks. That is where I wondered if we had any fire hydrants in parks.

The fire hydrant references in the draft code are:

- top of p.5, 4.16.060.C.3 (in parks)
- top of p.6, 4.16.060.F.7 (right-of-way)

Thanks,  
**Anne Henning, AICP** | Community Development Director |City of Othello

*I am out of the office for an unknown amount of time, dealing with a family medical issue. I will be checking email but my response may be delayed.*  
*You can call City Hall at 509-488-5686 to see if someone else can help you; otherwise, email is the best way to reach me for now. I will get back to you as soon as I can.*

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**From:** Gary Lebacken <[glebacken@ACFD5.COM](mailto:glebacken@ACFD5.COM)>  
**Sent:** Monday, February 26, 2024 11:27 AM  
**To:** Anne Henning <[ahenning@othellowa.gov](mailto:ahenning@othellowa.gov)>  
**Cc:** Tom Salsbury <[tsalsbury@ACFD5.COM](mailto:tsalsbury@ACFD5.COM)>  
**Subject:** RE: fire hydrant clearance

Why are we having vendors set up on sidewalks pushing pedestrians off the walkway ?

Does it make a difference if it is on sidewalk vs in a park? (I don't know if we have any in parks). What are you talking about vendors, sidewalks or fire hydrants?

Please provide the code reference. The only one that I know of is intended for brush, trees, fence etc.

Gary Lebacken  
Fire Chief  
Adams County Fire District 5  
220 S. Broadway Othello, Wa. 99344  
509-488-2951  
[glebacken@acfd5.com](mailto:glebacken@acfd5.com)

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**From:** Anne Henning <[ahenning@othellowa.gov](mailto:ahenning@othellowa.gov)>  
**Sent:** Tuesday, February 20, 2024 9:18 PM  
**To:** Gary Lebacken <[glebacken@ACFD5.COM](mailto:glebacken@ACFD5.COM)>  
**Subject:** fire hydrant clearance

Gary,

What is the distance you would like to see maintained from a fire hydrant by a sidewalk vendor/push cart?

Does it make a difference if it is on sidewalk vs in a park? (I don't know if we have any in parks).

The code we are looking at as a model used 5', but the Planning Commission felt it should be larger than that. I said I would ask you.

Thanks,

**Anne Henning, AICP** | Community Development Director |City of Othello

*I am out of the office for an unknown amount of time, dealing with a family medical issue. I will be checking email but my response may be delayed.*

*You can call City Hall at 509-488-5686 to see if someone else can help you; otherwise, email is the best way to reach me for now. I will get back to you as soon as I can.*

## Chapter 4.16

### SIDEWALK VENDORS AND PORTABLE VENDORS

#### Sections:

- 4.16.010 Purpose.
- 4.16.020 Definitions.
- 4.16.030 Business license.
- 4.16.040 Applications.
- 4.16.050 General regulations and standards.
- 4.16.060 Location.
- 4.16.070 Revocation or suspension of license.
- 4.16.080 Violation—Penalty.

#### **4.16.010 Purpose.**

The purpose of this chapter is to allow sidewalk vendors and portable vendors to conduct business within the City to support entrepreneurship while setting standards, regulations, and licensing requirements for the sale of food and merchandise from non-motorized conveyances, pushcarts, kiosks, and stands.

#### **4.16.020 Definitions.**

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter. Words and phrases undefined in this Code have the same meaning as set forth in Chapter 4.04 of the Othello Municipal Code.

- A. "Curb return" is a curved section of a curb located at a corner of an intersection, connecting a curb on one street to another curb on the intersecting street. A curb return starts at the point where the curb begins to turn toward the direction of the intersecting street and ends at the point where it meets the curb on the intersecting street.
- B. "Operate" means to sell food, beverage, or merchandise, to solicit business as a sidewalk vendor or portable vendor, to stop a cart, or to display wares. "Operate" does not mean to pass through an area without stopping.
- C. "Pedestrian path" means a publicly owned footpath, not adjacent to a road, which is intended for use by pedestrians, wheelchairs and other mobility devices, strollers, baby carriages, bicycles, scooters, and other non-motorized forms of transportation.
- D. "Portable vendor" means a person who sells food or merchandise from a vending vehicle or stand, or from one's person, upon private property.
- E. "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- F. "Sidewalk vendor" means a person who sells food or merchandise from a vending vehicle or stand, or from one's person, upon a public sidewalk or other pedestrian path.
- G. "Special event" means any parade, athletic event, block party, festival, farmers market, or public assembly that requires partial or complete street or sidewalk closure to vehicular or pedestrian traffic or use of the street, sidewalk, or park for the event, or any event for which a

City-issued permit is required for the temporary use of, or encroachment on, the sidewalk, park, or other public area.

- H. "Stationary sidewalk vendor" or "stationary portable vendor" means a sidewalk vendor or portable vendor who vends from a fixed location.
- I. "Vending vehicle or stand" means a pushcart, kiosk, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used by a sidewalk vendor/portable vendor.
- J. "Vendor" means a sidewalk vendor or portable vendor.

**4.16.30 Business license.**

- A. Each sidewalk vendor/ and portable vendor is required to obtain a business license as set forth in Chapter 4.04.
- B. Display of City business license. Any vending vehicle or stand from which a sidewalk vendor or portable vendor sells products shall prominently display a valid city business license of the person vending.

**4.16.040 Applications.**

In addition to the information and fee required for all business licenses as set forth in Chapter 4.04, the following information is required as part of the application for a sidewalk vendor or portable vendor:

- A. A complete description of the food or merchandise offered for sale.
- B. Any applicant who intends to sell food must also provide proof of the required health permit from the Adams County Health Department, and certify that the vending vehicle or stand used has been approved by the Health Department for that particular type of food. By the signature of the applicant's representative on the application, each applicant consents to periodic unannounced inspection(s) at all reasonable business hours by Adams County Health Department representatives, and to the collection of evidence, samples, photographs, examination of invoices, and all other reasonable inspection procedures to determine compliance with all applicable laws enforced by the Health Department.
- C. A statement of whether the vendor will be stationary or roaming.
- D. The address of the location or proposed route where the vendor is proposed to operate.
- E. Property owner permission:
  1. For stationary vendors on private property, signed proof of permission from the property owner for the vendor to locate on the property, including a diagram of the vendor's location on the property.
  2. For stationary vendors in right-of-way, signed proof of permission from the abutting property owner for the vendor to locate adjacent to the property, including a diagram of vendor's location adjacent to the property.
- F. A plan for trash disposal for the site. The vendor shall leave the property on which they conduct business clean each day, including picking up any trash or litter generated by the vendor's customers.
- G. A complete description of any ancillary items that the applicant intends to use in conjunction with sales including, without limitation, small display tables, trash receptacles, chairs, or other similar items.

- H. A certification by the applicant that to his or her knowledge and belief, the information contained in the application is true.
- I. A certificate of insurance evidencing that the sidewalk vendor or portable vendor has current general liability insurance in the amount of one million dollars (\$1,000,000) with coverage related to all activities associated with sidewalk vending/portable vending activities, with the city named as an additional insured.

#### **4.16.050 General regulations and standards**

- A. The sidewalk vendor/portable vendor business license is valid for twelve (12) months after being issued, unless revoked or suspended.
- B. A sidewalk vendor/portable vendor business license is issued to an individual person, not to the vending vehicle or stand. Each person vending needs a license. The business license for vending is nontransferable.
- C. All sidewalk vendors and portable vendors shall comply with the terms and conditions of the business license and shall not sell any food or merchandise that was not listed in the sidewalk vendor/portable vendor business license application.
- D. Sidewalk vendors must maintain a clearance of not less than four feet (4') upon every sidewalk or pedestrian path in order to comply with the Americans with Disabilities Act. The four-foot clearance also applies to customer queues.
- E. No vending vehicle or stand, or ancillary vending items, equipment, umbrellas, or similar may be left unattended or chained or fastened to any pole, sign, tree, fence, or other object in the public right-of-way. Any vending vehicle, stand, items, equipment, umbrellas, or similar in violation of this subsection will be confiscated in accordance with constitutional and other applicable law.
- F. Portable vendors on private property may not cause the parking spaces for the other businesses on the site to be reduced below the minimum required for those uses.
- G. Sidewalk vendors and portable vendors may not offer services or any illegal or counterfeit merchandise, animals, items that will exceed the surface area of vending equipment, alcohol, drugs, medicine, chemicals, lottery tickets, weapons, fireworks, cannabis or cannabis products, adult-oriented material, tobacco, tobacco-related products, any product used to smoke/vape, or any other items that are deemed unsafe.
- H. Any sidewalk vendor or portable vendor that stores, prepares, packages, serves, vends, or otherwise provides food shall comply with all laws, rules, and regulations regarding food handling as established by the Adams County and State Health Departments.
- I. No sidewalk vendor or portable vendor shall set up any equipment or object that exceeds nine feet (9') in height, and all temporary structures or objects must be firmly affixed to a cart or objects with sufficient weight so that they are structurally sound and not subject to toppling over or falling due to weather conditions.
- J. For vendors on public property, including parks and right-of-way, the following are required:

1. The maximum space of all equipment and structures, including cart or stand and any ancillary equipment such as shade structures and small display tables shall be eight feet by four feet (8' x 4').
2. Any shade structure that extends beyond the edge of the cart/table shall have a minimum clearance height of eighty (80) inches and a maximum height of nine feet (9') and shall extend no closer to the edge of the curb than eighteen inches (18").
3. All equipment, and structures, including shade structures, shall not impede the flow of pedestrian traffic by reducing the clear space to less than four feet (4'), and shall not impede egress from, access to, or the use of abutting property.

**K. Trash.**

1. All vendors shall provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resorting to existing trash receptacles located for use by the general public.
2. A vendor may not dispose of customer trash in existing trash receptacles on sidewalks, parks, or City facilities.
3. In order to preserve sanitary conditions, all vendors shall maintain a clean and trash-free area around the vendor's cart during hours of operation and shall ensure that such area is clean and trash-free before relocating or closing.

L. In order to preserve the safety of vehicular travelers, no vendor may solicit business from or conduct business with persons in motor vehicles in such a manner that causes motorists to disrupt or stop the normal movement of traffic or endanger public safety.

**M. Signs.**

1. Signs prohibited by OMC Section 14.58.030 for stationary businesses are also prohibited for sidewalk vendors and portable vendors.
2. All signage related to the vending operation shall be affixed to the cart or stand, unless authorized by a permit issued under OMC 14.58.030.

O. Strobe lights, spotlights, fog horns, blow horns, and similar apparatus are prohibited. Music, bells, horns, or similar are also prohibited for stationary vendors.

P. Vendors shall not operate in a City park or any residential zone earlier than 8:00 AM or later than thirty (30) minutes after sunset, except as authorized for a special event.

Q. Each vendor cooking or having a heat device shall have a fire extinguisher.

**4.16.060 Location.**

- A. A vendor may locate in any non-residential zone, subject to the other requirements of this chapter. In a Residential Zone, stationary vendors may only locate where a similar commercial use would be allowed. Roaming sidewalk vendors are allowed in Residential Zones but may not solicit door-to-door without a solicitor's license per OMC 4.08.
- B. Other than for authorized special events, vendors shall not operate on City-owned property, except for sidewalks in public right-of-way and pedestrian paths in City parks, and only to the extent permitted and regulated by this chapter.

- C. Vendors shall not operate in any of the following locations within a City park:
  - 1. Within any City-owned park with an operative agreement between the City and a concessionaire for the exclusive sale of food or merchandise by the concessionaire, except for pre-approved vendors at City-authorized events.
  - 2. On any vegetation, except that locating on turf grass directly abutting a pedestrian path is allowed.
  - 3. Within fifteen feet (15') of any fire hydrant, fire call box, or other emergency facility.
  - 4. Within twenty-five feet (25') of ~~an entrance or exit of~~ a building.
  - 5. Within fifty feet (50') of children's playground areas, tennis courts, basketball courts, and marked athletic fields, when such areas, courts or fields are in use.
  - 6. Within fifty feet (50') of City programs, games, and recreational programs including any activities permitted by athletic field use license agreements, during the program or activity.
  - 7. Within one hundred feet (100') of another vendor or a concessionaire.
  - 8. Within one hundred feet (100') of a picnic shelter which has been reserved by an individual or group.
  - 9. Within five hundred feet (500') of a special event, except as specifically permitted by the event.
- D. Sidewalk vendors and portable vendors shall not operate within five hundred feet (500') of a City-authorized special event, such as festivals, parades, concerts, and tournaments, unless the vendor has received permission to vend as part of the event.
  - 1. For moving events such as parades, vending shall be prohibited within five hundred feet (500') of the approved event route.
  - 2. For stationary events, vending shall be prohibited within five hundred feet (500') of the parcel boundary for the location of the event.
- E. Sidewalk vendors and portable vendors shall not locate:
  - 1. Within 300' of any public or private school grounds from 30 minutes before until 30 minutes after regular school session, classes, or school-related events, unless authorized by the school.
  - 2. Within 100' of the entrance to a business which sells similar goods as a main item, unless authorized by the business.
  - 3. Within 100' of the entrance to a restaurant, unless authorized by the restaurant. This provision applies only to vendors who sell food.
  - 4. Within 25' of a building.
- F. Sidewalk vendors may not operate on public rights-of-way in any of the following locations:
  - 1. Within fifty feet (50') of the curb returns at the intersections listed below:

- a. (list)
2. Within one hundred feet (100') of the curb returns at the intersections listed below:
  - a. (list)
  3. Within fifteen feet (15') of a curb return.
  4. Within fifteen feet (15') of the outer edge of a driveway or driveway apron.
  5. Within fifteen feet (15') of the outer edge of any alleyway.
  6. Adjacent to any marked loading zone.
  7. Within fifteen feet (15') of any fire hydrant, fire call box or other emergency facility.
  8. Within eighteen inches (18") from the edge of the curb.
  9. Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than four feet (4'), or impedes egress from, access to or the use of abutting property.
  10. Within streets, except to cross legally at intersections or cross-walks without stopping.

**4.16.070 Revocation or suspension of license.**

A business license for a sidewalk vendor/portable vendor may be revoked as specified in OMC 4.04.120.

**4.16.080 Violation—Penalty.**

Any person who violates or fails to comply with any of the provisions of this chapter shall be deemed to have committed a civil infraction and shall be subject to payment of a C-12 penalty together with all penalties and assessments for each violation. Each separate day of noncompliance is deemed a separate violation. This penalty is in addition to any other remedies available to the city.

**City of Othello**  
**Building and Planning Department**  
**February 2024**

<b>Building Permits</b>			
	Applied	Issued	Final
Residential	5 <sup>1</sup>	7 <sup>4</sup>	3 <sup>7</sup>
Commercial	8 <sup>2</sup>	5 <sup>5</sup>	5 <sup>8</sup>
Industrial	1 <sup>3</sup>	0	0
Total	14	12	8

<sup>1</sup> 2 single family, 1 storage shed, 2 reroof  
<sup>2</sup> Remodel for tire store, fence permit & cargo container permit at Sagehills Vet Clinic, HVAC at McDonald's, replace cooler/freezer at La Mexicana Supermarket, replace furnace at Emmanuel Church, reroute natural gas piping at Parks & Rec bldg, portable replacement Lutacaga  
<sup>3</sup> McCain break room remodel  
<sup>4</sup> 3 single family, 1 bathroom remodel, 1 storage shed, 2 reroof  
<sup>5</sup> Remodel for tire store, HVAC at McDonald's, replace cooler/freezer at La Mexicana Supermarket, replace furnace at Emmanuel Church, reroute natural gas piping at Parks & Rec bldg  
<sup>7</sup> 2 single family, 1 reroof  
<sup>8</sup> Replace sunroom at Golden Fountain restaurant, Ace Hardware storage building, McFarland Middle School counseling center remodel, replace potable at Scootney Springs Elementary, reroute natural gas piping at Parks & Rec bldg

### Inspections

- The Inspector completed 99 inspections in February, including 13 rental inspections.

<b>Land Use Permits</b>		
Project	Actions in February	Status as of February 29
Broadway Travel Center SEPA Review. 1925 S Broadway	MDNS appeal period ended 2-5-24.	Land use permit complete.
Charan Short Plat final plat	No change in short plat, but updated building plans received in Jan.	Waiting for final plat mylars.
General Sewer Plan SEPA review	DNS issued and routed.	Comment period ends March 11.
MBRAR – Gas Station Short Plat	Building permit submitted.	Waiting for final plat submittal. Staff will bring an update to the OMC for the street name.
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	Received a notice from Adams that OHA requested a variance to exceed the density allowed by county code by almost double for the apartment	Annexation has been on hold per proponent since March 2023.

Land Use Permits		
Project	Actions in February	Status as of February 29
	<p>project proposed on this property (Rocky Point). Submitted comments opposed to the variance as not meeting the standards for granting a variance. Attended the public hearing remotely. (Variance was denied by Board of Adjustments). Learned that OHA will revise their planned development application to meet the county's 6 unit/acre density limit by reducing the project to the first phase. Learned that the County Planning Commission is working on revising the County zoning code to allow multi-family density.</p>	Adams County Public Hearing on the planned unit development is scheduled for March 28.
Pegram Major Plat & Development Agreement	No change.	Waiting for proposals from proponent on the shared well and drain line/groundwater issues.
Sand Hill Estates 6 (multi-family) short plat & SEPA	Reviewed submittals. Several rounds of comments, including proposals to modify the number of lots in the plat.	Waiting on remaining documents before determining application complete.
Wahitis Short Plat	No change. OSD & city need to make time to discuss next steps, now that USBR has formally released the easement that had 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 rental applications were submitted in February.
- 1 site with a total of 10 units was approved in February. This building was the very first to apply for a rental license in 2021, but has taken a while because the owner decided to remodel each unit.
- There were 13 rental inspections in January.
- 167 locations with a total of 345 units have been fully approved so far.
- There are currently 16 active applications for a total of 39 units in various stages of inspection and correction. These are mostly older applications where compliance has been slow, but a few are new construction that just aren't finished yet.
- We are compiling a list of rentals with landlord authorizations for utility payments, and will notify the landlords to apply for their rental license and schedule inspections.

### **Municipal Code**

- Provided updated draft for Planning Commission in their continued review of regulations for pushcarts/portable vendors. The Commission will likely be ready to make a recommendation to Council at their March meeting.

### **Housing**

- Trying to help developer look for funding to extend city sewer to serve new apartments in an area not currently served with sewer.

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

- Posted information about free childcare business training being offered.
- Updated [webpage](#) for the Elevate Othello information.

### **Training**

- Permit Tech and Building Inspector attended annual ICC training.
- WCIA Anti-Harassment/bullying training

### **Transportation**

- Met with City Engineer and consultant about the Local Road Safety Plan update (Consultant will be funded with a QuadCo grant).
- Provided comments on documents for Sandy Williams Connecting Communities Grant/Highway 26 trail (project summary form, public engagement proposals, flyer).

**City of Othello**  
**Building and Planning Department**  
**Annual Rental Licensing & Inspection Report**  
**March 2023-February 2024**

The Rental Housing Safety Inspection Program was adopted by the City Council on Feb. 8, 2021 (Ord. 1562) and codified as OMC 4.40. We have just completed the third full year of the program.

Rental License & Applications						
	As of Feb. 29, 2024		As of Feb. 28, 2023		As of Feb. 28, 2022	
Status	Locations	Total units	Locations	Total units	Locations	Total units
Fully approved	166	335	78	134	28	51
Active applications (corrections needed)	17	49	76	168	44	119
Total applications	183	384	154	302	72	170

**Inspections:**

Year 3	Year 2	Year 1
194	130	83

- Very few units pass on the first inspection. Many units need only small corrections like smoke alarms, GFIC outlets next to sinks, seismic straps for water heaters, house numbers, etc. While these corrections are simple, they are also easy for a landlord to put off if it weren't for the requirement of an inspection. We continue to try to improve our system to get better follow-up.
- The most serious issues that were discovered in the past year include an outdoor grill being used in a kitchen, broken windows, exterior doors that didn't seal, a heater with exposed wires, a bathroom exhaust fan rusted solid leading to the ceiling being covered with black mold (Inspector required tenants to move out immediately for health reasons and not return until ceiling replaced and fan installed), other locations with less extensive mold.

**Enforcement:**

- Through a combination of letters and phone calls in the beginning of 2023, we were able to schedule inspections of units that had been in the system for a while, waiting for the

owners to schedule inspections. Of the 28 landlords we notified at the end of January 2023, only 7 needed a second letter.

- In mid-March 2023, we sent out certified letters to 6 landlords as a second notice to schedule inspections. All but one scheduled by the end of March, and the last one scheduled in April. By April, some of these sites had been completed.
- At the end of March 2023, we sent letters to 13 landlords who had applied but not scheduled inspections or re-inspections. 10 of those scheduled inspections by the end of April, with 2 more scheduling in May.
- Also at the end of March, we sent letters to 19 landlords who hadn't applied yet. 10 of these responded by the end of April. The remaining ones were eventually turned over to Code Enforcement.
- In late June, we sent letters to 10 landlords who were more than 30 days past their inspections and who were supposed to have made corrections and schedule a re-inspection. By October, 7 of these were finished and 2 more were making progress.
- In late August, we sent letters to 7 landlords who hadn't scheduled inspections yet (53 units total). By October, 3 landlords were completely finished, and the rest were in the process of complying.
- We continue to note rentals as we discover them, and notify the landlord to get their rental license and schedule inspections.

Getting compliance, in licensing, scheduling inspections, and then following through with repairs and follow up inspections, takes considerable effort but staff is committed to this program because we see what a difference it makes for tenants.