



City of Othello
Planning Commission Meeting
August 19, 2024
Zuleica Morfin

CALL TO ORDER

Chair Chris Dorow called the meeting to order at 6:02pm.

ROLL CALL

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

Absent: Daniela Voorhies

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

Attendees: Bob Carlson, Jake Mendez

PUBLIC INPUT

Jake Mendez, Jr. shared his opinion on the community swimming pool. He read over the Columbia Basin Herald article that was published a while back. Jake said if the swimming pool was going to be redone, he would like for it to be more inclusive to those with physical disabilities as well as visual. He would like to see a pool for toddlers and mothers where the pool has a gradual slope to decrease anxiety for people who worry about it being too deep.

MINUTES APPROVAL

July 15, 2024, minutes approved M/S Ruth Sawyer/ Alma Carmona

ZONING UPDATE- HOME OCCUPATIONS- OMC 17.59- PUBLIC HEARING AND RECOMMENDATION

The Planning Commission started looking at the Home Occupation regulations, OMC 17.59, in 2022 at the request of the Code Enforcement Officer, since there had been issues coming up, such as uses listed as allowed or prohibited weren't always matching up well with current practice. 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.

Staff looked for examples of more modern home occupation codes, but they proved hard to find. Many of the codes around the state are very similar, with just slightly different phrasing. Many also seem unnecessarily wordy and bureaucratic; staff and the Planning Commission are in favor of shorter and simpler regulations. We reviewed several of the most concise codes and staff contacted 5 of those jurisdictions for input on how their home occupation codes have been working. The Planning Commission compared Othello's regulations to 12 other cities on issues such as the purpose statement, whether an accessory building could be used, whether the business could include an employee who didn't live in the home, how to limit the scale of the business, whether a sign should be allowed, and deliveries, traffic, and parking.

Community Development Director Anne Henning told Commissioners she had taken the draft they had worked on at the last meeting to the city council to make sure the council was on board with what the commission was working on. She said city council was very complimentary of the planning commission's efforts. There were some questions, including one on prohibiting private schools and nursery schools. The concern was that it would prohibit in-home daycare, but staff explained that in-home childcare is regulated by the state and all cities must allow it. The other issue was on what kind of oversight there would be of businesses involving food. Ms. Henning said she told the city council that anything involving food goes through the health department as well.

Chair Chris Dorow opened the public hearing at 6:11pm. There were no comments. The public hearing was closed at 6:12pm.

Commissioners discussed 17.59.012 Requirements: "(1) Must be carried on entirely within a residence or accessory structure by the occupants. No person other than members of the family residing on the premises shall be engaged in the business." Chair Chris Dorow said that from a standpoint of regulations this made it easy but it also makes it so you couldn't get a secretary, assistant, or anything like that if a business needs it. Commissioner Alma Carmon said they had discussed this last month, and it was something they would let play out and see how it goes because they could always go back and change it. Chair Chris Dorow asked how they could address this other than telling them this isn't allowed. Ms. Henning said she was thinking about how they would handle it right now and she didn't think that would be a question for right now. Ms. Henning told commissioners that this was already in the code they were just changing where that provision is. Commissioner Alma Carmona said she feels like it protects the neighbors. Chair Dorow mentioned that maybe if a business needs an outside employee, it might need to be in a larger space than a home occupation.

Chair Chris Dorow wanted to discuss prohibited occupations specifically medical and dental clinics. He said he didn't think the state or federal regulations of healthcare would make this necessary to put in as a prohibited use. He asked if there may be other definitions of medical that might be excluded like medical massage or holistic medicine. He doesn't think you could run a medical or dental clinic under the definitions so with that in mind, he didn't think it even belonged in the list of prohibited home occupations because it might make things complicated for other businesses. He said 40 years ago, you could've run a dental clinic from your home, but in today's time with state and federal regulations, you would not be able to, so he suggested it be removed from the list. Commissioner Alma Carmona suggested removing the word medical and leaving the word clinic. Discussion that a "clinic" was clearly not appropriate as a home occupation, so just remove all of (7) medical and dental clinic. Motion to recommend to City Council the home occupation chapter with the discussed amendments M/S Alma Carmona/ Brian Gentry

NONCONFORMING USE CODE- OMC 17.79 – INTRODUCTION AND 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. The Nonconforming Use chapter is one that wasn't urgent at the time but definitely needs an update. The provisions are out of line with current practices in other cities, specifically the requirement that each nonconforming use have a public hearing and the Planning Commission and City Council making quasi-judicial decisions about whether the use can continue. Also, the 20-year time frame for nonconforming uses to be discontinued is unusual and has not been applied. Staff looked at a number of other codes across the state for nonconforming uses and has created the attached draft for discussion.

Ms. Henning asked about expansion and addition of a nonconforming use. She said some jurisdictions allow it and some don't. The ones that allow it use a conditional use permit, which she thought was a little bit iffy because a conditional use permit is something that is allowed with conditions whereas nonconforming use is by definition not allowed. Ms. Henning didn't like the idea of allowing the expansions but wanted to have the Commission discuss it.

Chair Chris Dorow gave a quick background on nonconforming uses, which he explained as when something is built legally but later it is rezoned or the zoning text changed, so the use is no longer in compliance, then it is a nonconforming use. The person who owns it is fine for a period of time or until a sale, or until something in which case then they have to conform. He said if the Commission wants something simple, they shouldn't allow nonconforming uses. Chair Chris Dorow asked Ms. Henning what the time frame for Othello was. She replied 20 years and mentioned that no other jurisdictions had a time frame for all nonconforming uses. Chair Chris Dorow said he thought they should talk about timeframe and allowance of additions and expansions. A public hearing will be held next month.

SUBDIVISION UPDATE – OMC TITLE 16 – REIMBURSEMENTS/ LATECOMER AGREEMENTS - CONTINUED DISCUSSION

The Planning Commission has been working on updating the Subdivision Code, OMC Title 16. While most of the chapters are very interrelated and hard to review in isolation, the chapter for Reimbursement Agreements (also known as Latecomer Agreements) can be discussed independent of the rest of the Subdivision updates. In fact, this chapter is typically not found within a Subdivision title, but more often in a Public Works or Infrastructure title. However, since Othello has separate titles for streets and for utilities, making it awkward to locate a chapter that relates to both within one or the other, it may make sense to keep it within the Subdivision title.

Ms. Henning told commissioners she had asked the city attorney's office to look at the city's existing reimbursement agreement code. The city attorney's office suggested they look at the code for the city of Kent, since it was recently updated, so Ms. Henning did a draft based on Kent's code. Chair Chris Dorow said the draft was much better than the existing chapter. Commissioner Alma Carmona said she thought the purpose on the new one was a little wordy. She felt that if it could be shortened a little more people would grasp it better. Commissioner Ruth Sawyer had a question on 16.53.060 Latecomer agreements where it talks about if the developer fails to comply with the notification requirements within the 60 days, they just forfeit any return of money. She asked why they wouldn't notify anyone and what if there were extenuating circumstances, why wouldn't they just do a letter. Ms. Henning responded that if they don't tell us how to find them, then they don't get reimbursed. So, what it's saying is if you don't update your information every 2 years, then the city doesn't need to reimburse them. Ms. Henning suggested that it be changed to say if the developer changes address and they don't notify the city, the city doesn't have to search them out and the obligation is still on the developer.

OLD BUSINESS

Ms. Henning asked commissioners if they wanted her to remove the Columbia Street improvement district from Old Business, since it doesn't look like it will be going anywhere. Commissioners agreed to have it removed.

ADJOURNMENT

Having no further business, the meeting was adjourned at 7:15pm. Next meeting is Monday, September 16, 2024.



Date:

9/16/24

Chris Dorow, Chair



Date:

9/16/24

Zuleica Morfin, Building and Planning Secretary