



City of Othello
Planning Commission Meeting
September 16, 2024
Zuleica Morfin

CALL TO ORDER

Chair Chris Dorow called the meeting to order at 6:04pm.

ROLL CALL

Commissioners Present: Chair Chris Dorow, Brian Gentry, Ruth Sawyer, Maria Martinez

Absent: Daniela Voorhies, Kevin Gilbert, Alma Carmona

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

Attendees: Bob Carlson, Rob Simmons

PUBLIC INPUT

Rob Simmons stated he is in the process of getting a building permit to build a multifamily one bedroom, one bath, 3-unit building behind a house he already has. Upon doing the process, he learned about an issue with the code. The issue had to do with the setback from the alleyway which is 8ft from the alley line and 20ft depth for the parking. It made sense to him if there was a street that you have to back out onto, and you don't want to be in someone's way, but in an alley, he wondered if that made sense. He was able to adjust his plans to make it fit, but thought it was kind of silly that if he stood on the edge of the alleyway the building would be 28ft away and it just seemed like a long parking spot. He wanted to ask commissioners if they would consider the 8ft and if there was a better alternative to that. Chair Chris Dorow said 28ft was excessive. Ms. Henning suggested the commission might think about looking at the whole parking chapter. She mentioned that Spokane has just eliminated all its parking requirements, although she is not suggesting that Othello should go that far. Commissioner Brian Gentry said he thought it was a good idea to review all the parking. Commissioners were all in favor of reviewing the parking section of the code.

MINUTES APPROVAL

August 19, 2024, minutes approved M/S Maria Martinez/ Ruth Sawyer

ZONING UPDATE- NONCONFORMING USE CODE- OMC 17.79- PUBLIC HEARING AND RECOMMENDATION TO CITY COUNCIL

Nonconforming uses are those which were legally permitted when they were established, but through changes to zoning text, zoning map (through rezones), or jurisdiction (through annexations), no longer meet the current requirements. Most jurisdictions have code provisions to address nonconforming uses. Staff reviewed 11 other codes, including those listed on MRSC as good models. Othello's code in comparison appears very dated and in need of changes. Therefore, staff created a draft, which was reviewed by the Planning Commission at their August meeting. A few issues have come up since then that should be discussed. The Nonconforming Use chapter 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.

Ms. Henning went over the draft for nonconforming uses, structures, and lots. She said that she had asked the city attorney for legal advice on this, and the city attorney had given her ideas of other codes to look at. She said she took this draft to the city council to see if they had any concerns. The City Council did have a few concerns, one was regarding accessory dwelling units and if they would be required to comply with life safety. Ms. Henning said they would be with the property maintenance code, and they would have to also comply with the basic building code. Ms. Henning pointed out that 17.79.030 Signs is adequately addressed in the Sign code at 14.58.090 so can be removed from the draft. For nonconforming lots Ms. Henning said she had taken a provision from a code that said "Except that a government agency can modify a lot if its for a public purpose". A council member said that it was unfair because why should a city do something that nobody else can do. So, she removed that. Another Council concern was removing the proposal that allows rebuilding of duplexes or triplexes in an R1 zone if it burns down. Ms. Henning explained that the new draft makes it easier to rebuild all nonconforming uses, so there no longer needs to be the exception.

Commissioner Ruth Sawyer asked If there should be a replacement for the statement that any person aggrieved by the decision of the planning commission may appeal to the city council as provided in chapter 17.83. Ms. Henning said she could add an appeals section.

Chair Chris Dorow opened the public hearing at 6:37pm on OMC 17.79 nonconforming use. Seeing none, the public hearing was closed at 6:38pm.

Motion passed to recommend the changes to the Nonconforming Use chapter to the City Council, with the edits as discussed. M/S Ruth Sawyer/Brian Gentry

ZONING UPDATE- HOME OCCUPATIONS CODE- OMC 17.79- REVISIONS AND RECOMMENDATION TO CITY COUNCIL

In August 2024, after many months of discussion and a public hearing, the Planning Commission provided a recommendation to the City Council on updates to the Home Occupation chapter, OMC 17.59. However, staff is still learning the preferred procedures of our new City Attorney, and it turns out she had substantial suggestions on the code update. Therefore, this item is being brought back to Planning Commission to see if they would like to update their recommendation to Council.

Ms. Henning told the commissioners that the city attorney had suggestions on the home occupation code that she would like them to discuss. The city attorney provided language from another jurisdiction about no more than 3 deliveries per day, no more than 10 per week, and hours for the delivery. Ms. Henning asked the commissioners if they wanted to consider restricting the hours and delivery times. Commissioner Chris Dorow said he understood that they wanted to maintain the residential nature but by limiting the number per day or week that would do a lot more than picking times. Commissioner Ruth Sawyer said she didn't expect home occupations to get a lot of deliveries every day and it would probably depend on the kind of business. Chair Chris Dorow said he did like controlling the number of deliveries, but the times of day would be more difficult to control. Commissioner Brian Gentry said he didn't see how this could be enforceable. Commissioner Sawyer suggested that they revisit this at another time. Commissioner Maria Martinez agreed that they should revisit this at another time if it becomes a problem.

Another thing the city attorney brought up that could be allowed was inspections. Ms. Henning told the commissioners that she thought they might feel like that was too intrusive. Commissioner Brian Gentry said that for a residential rental the state law says you must give 72-hour notice and an inspection 2 to 4 times a year, but he wasn't sure how different this would be for a business. Commissioner Maria Martinez

suggested a 48-hour notice for inspections if complaints about the business are made. Commissioner Ruth Sawyer did not agree with the inspections.

With taking out limiting the deliveries, adding a statement about requiring a business license, adding in inspections with a 48-hour notice, and adding in the provisions for enforcement and revocation, motion to recommend changes to the Home Occupation code to City Council. M/S Maria Martinez/Brian Gentry Motion passed with none opposed. Commissioner Ruth Sawyer abstained due to the inspection requirement.

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 had presented all the changes she had made to the reimbursements and latecomer agreements. She had taken the advice of the city attorney's office to look at the Kent code, which she thought was clear and well-organized. At the last meeting, Commissioner Alma Carmona had felt the purpose statement was a little too wordy, so Ms. Henning made it shorter and easier to understand. Chair Chris Dorow said he liked the changes that were made. Commissioners all agreed.

Off-Street Parking

Commissioners continued to discuss the 8-foot parking setback issue that was brought to their attention at the beginning of the meeting. Chair Chris Dorow felt it was too much. Commissioner Brian Gentry asked if 3 feet would make a difference. Ms. Henning pointed out that OMC 17.20 says if a garage opens to the alley, then it needs 8' setback. She also said the more distance you put between the garage and the alley, the more likely someone is going to try to park a car there.

The discussion on parking will be continued at the next meeting.

ADJOURNMENT

Having no further business, the meeting was adjourned at 7:29pm. Next meeting is Monday, October 21, 2024.

 Date: 11-18-24
Chris Dorow, Chair

 Date: 11/18/24
Zuleica Morfin, Building and Planning Secretary