

**AGENDA MEMO**

Council Meeting Date: February 2, 2020

Agenda Item: Zoning Code Update, City-wide Rezones, Comprehensive Plan Designation Update

Presented by: Anne Henning, Community Development Director

**Attachments:**

1. Ord. 1544 Amending 14.36.030 "Fences"
2. Ord. 1545 Repealing portions of Title 14 "Buildings"
3. Ord. 1546 Amending portions of Title 17 "Zoning"
4. Ord. 1547 Repealing portions of Title 17 "Zoning" and creating new chapters
5. Ord. 1548 Amending Comp Plan Map & Adopting Zoning Map
6. Draft Zoning Map 1-27-20
7. Draft Comp Plan Map 11-18-19

**ACTION REQUIRED:**    **Motion**    **Ordinance**    **Resolution**    **Public Hearing**

**Why is it a legislative issue?** The Council adopts amendments to the Municipal Code, Zoning Map, and Comprehensive Plan Designations

**Explanation of issues:** The zoning code as it currently exists is confusing, inconsistent, and full of gaps and conflicts. Staff finds it difficult to work with, and the public and developers struggle to understand it. Some of the worst conflicts have been corrected through stopgap fixes, but it is time for a comprehensive look at the code as a whole. The Planning Commission began working on updates to the zoning code and zoning map in August 2017, and continued work on the updates through their most recent meeting, Jan. 21, 2020. The draft update eliminates conflicts between code sections, reduces duplication, better matches the code and map with current and likely development, adds design standards to achieve higher-quality development for the community, and makes the code easier for staff, developers, and the public to use and understand through the use of tables and graphics rather than all text. The changes represent a significant step forward for the community with a more modern, user-friendly zoning code and a more logical zoning map. As of the Jan. 27 public hearing, there were two zoning map issues still to be resolved: 1) The property owned by the School District at Lee Road between 7<sup>th</sup> and 14<sup>th</sup> Avenues; and 2) The property owned by Doug and Vaughn Pegram west of Broadway and south of the School District Transportation Facility. Staff also made one change to the Residential chapter, increasing the rear yard setback along alleys to be the same as areas without alleys, 5' setback, as directed by the Council on January 27. This change is on page 6/41 of the 2-7-20 version of the "Ordinance Repealing Portions of Title 17 Zoning and Creating New Chapters." No other changes were made to the zoning text ordinances, other than to add the ordinance numbers, update the adoption dates, and correct formatting.

**Zoning Map—Lee and 7<sup>th</sup>/14<sup>th</sup>**

As discussed Jan. 6, in their on-going review of areas around Othello, the Adams County Planning Commission suggested that as part of the current city-wide rezone process, the property owned by the School District south of Lee Road, between 7<sup>th</sup> and 14<sup>th</sup> Ave should be rezoned to I-1 Industrial. This area is currently zoned Open Space Urban Reserve, but is designated in the City's Comprehensive Plan as Light Industrial. The County Planning Commission felt the site is best suited to Light Industrial and also noted the need to preserve and protect land for the industries

that support the local economy. The Adams County Planning Commission was meeting in a study session so did not issue a formal recommendation. On December 16, Bob Carlson, Adams County Planning Commission Chair, conveyed the County Planning Commission's thoughts to the Othello Planning Commission. The Othello Commission voted to add this as a recommendation to the Council. The Othello School District and surrounding property owners within 300' were notified of this rezone proposal and were invited to provide testimony for the Jan. 27 continued public hearing. City staff met with School District representatives Jan. 17 to discuss this issue. Letters in support of changing the zoning to I-1 Industrial were received from Loren Wiltse, Adams County Director of Building and Planning, and Stephen McFadden, Adams County Economic Development Director. At the Jan. 27 public hearing, the School District requested that no decision be made on their property yet, to give them time to consider options. The Council continued the public hearing to Feb. 10. As of Feb. 7 when this agenda memo was prepared, the School District was still evaluating whether to request that their property remain zoned Open Space Urban Reserve, or be rezoned to I-1 Industrial.

### **Zoning Map—West of Broadway and South of Park Street**

Doug and Vaughn Pegram own property west of Broadway and south of Park Street. This property is currently zoned R-3 Residential on the south half and I-1 Industrial on the north half. In the past, the whole property was zoned R-3. In 1998, a residential plat was proposed and water mains installed and connected to the city system. The residential plat was never completed. In 2007-2009, one house was constructed. In 2008, the north 500' of the site (including the house) was rezoned from R-3 to I-1 Industrial. The house was supposed to be a caretaker residence for a business onsite. The Pegrams now own these two properties plus 2 properties to the south (around the well) that are zoned R-3. They would like to plat the whole property into a residential subdivision so they are requesting that the north half of the property be rezoned back to R-3.

At the Jan. 21 meeting, the Planning Commission considered the zoning of the Pegrams' property, as well as the zoning of the surrounding area. Based on the past zoning as R-3, the need for housing in Othello, and the Pegrams' plan to extend sewer to the area, the Commission recommended that Parcel #1529032780003 and 1529031040005 (house parcel) be rezoned back to R-3 Residential. The Commission reviewed possible changes to the zoning of the surrounding area, and determined that their previous recommendation of I-1 Industrial west of Broadway should stand, since that best reflects the existing uses in the area. Therefore, the only change to the proposed zoning map would be Parcels 1529032780003 and 1529031040005 going from I-1 to R-3.

On January 28, surrounding property owners within 300' were notified of the proposed rezone and were invited to provide testimony for the Feb. 10 continued public hearing. As of Feb. 7, staff has not received any comments or questions on this proposed rezone.

**Budget:** Limited direct effect. There will be the usual fees from Code Publishing to incorporate the changes into the Municipal Code. With the addition of the Engineer Tech, the map changes are being done by staff so there will be no consultant fees for mapping.

**Staff/Commission Recommendations/Review History:** The Planning Commission began working on updating the zoning code in July 2017, and continued their work at almost every monthly meeting since then. (Some meetings were spent on other zoning matters that have

proceeded separately, such as parking, sign code, and accessory dwelling units, as well as reviewing and recommending updates to the Building Code adoption chapter and beginning discussion on updating the Subdivision code.) The City Council has also been involved in the review of the zoning update through study sessions, discussion, and the continued public hearing.

<b>Date</b>	<b>Action</b>	<b>Mtg #</b>
7-17-17	Planning Commission discussed the need to revise the zoning code to address the allowed uses in each zone, starting with Commercial.	1
8-15-17	Planning Commission discussed overall format for code revision, location of Commercial Zones	2
9-18-17	Discussion of allowing 3-story buildings in the R-4 Zone. First draft of revised Commercial chapter. Design standards.	3
10-16-17	Further review of Commercial draft.	4
1-16-18	Continued review of Commercial draft. Design standards in C-3 for buildings larger than 12,000 SF. Initial discussion of Landscape code.	5
2-20-18	Completed first review of Commercial draft: Building color, pedestrian standards, cargo containers, truck parking areas, outside storage, design standard applicability to remodels and additions. Beautification Committee discussed Landscaping provisions with the Commission.	6
5-21-18	Public facilities in Industrial Zones. Sign Code. Landscaping.	7
8-20-18	Review of first draft of Residential chapter.	8
9-17-18	Continued review of Residential—Development standards (setbacks, height, etc.), performance standards, street frontage, stormwater.	9
10-15-18	Zoning map/Need for more residential land. Residential chapter—accessory buildings, height, lot size. S-1 Suburban Zone.	10
11-19-18	S-1 Suburban Zone. Beautification Committee input on Landscaping draft.	11
1-23-19	Landscaping code. Zoning map, especially the need for more R-3 and R-4 land.	12
2-19-19	Reviewed Residential code so far, gave direction on the remaining issues.	13
3-18-19	Review of first draft of Industrial chapter	14
4-15-19	Industrial chapter—Uses, standards. Zoning map, especially Residential. Discussed design standards for residential and determined not to recommend requiring these.	15
5-20-19	Residential—lot sizes. Landscaping. Commercial design standards with local photos	16
6-17-19	Planning Commission public hearing on Zoning Map and text changes. Recommendation to City Council.	17
7-22-19	Planning Commission/Council joint study session on Zoning. Commission presented their recommendations.	18
8-19-19	Planning Commission discussed items Council requested at 7-22 study session: Alley setback, minimum apartment size, timing of landscape installation for residential, RV parks, open sales lots, zoning for Terra Gold Farms property	19
8-27-19	Planning Commission special meeting to finish Council requests from 7-22: Merchandise display, vehicle sales lot, R-2 vs R-3, zoning along Lee Road, fencing along alleys. Updated recommendation to Council.	20
9-09-19	Second Planning Commission/Council joint study session on Zoning.	21
9-23-19	Council discussion of remaining issues. Several members missing so continued to next meeting.	22
10-07-19	Council discussion of remaining issues. Directed staff to mail notice of public hearing to property owners within 300’.	23
11-12-19	City Council public hearing on zoning. Council took testimony, then continued the hearing to 11/25.	24

<b>Date</b>	<b>Action</b>	<b>Mtg #</b>
11-18-19	Planning Commission discussed zoning issues that came up at the 11/12 public hearing, made a recommendation on changes to the zoning map in the Olympia/2 <sup>nd</sup> Ave. area.	25
11-25-19	City Council continued public hearing. Council took additional testimony, then continued the hearing to 12/9.	26
12-09-19	City Council continued public hearing. Council took additional testimony, then continued the hearing to 1/6.	27
12-16-19	Planning Commission discussed zoning issues that were still unresolved as of the 12/9 public hearing, made recommendations on changes to cargo containers and allowing stand-alone residential in the C-2 Zone, and heard input from the Adams County Planning Commission and added a recommendation on zoning the property south of Lee Road consistent with the Comprehensive Plan.	28
1-06-20	City Council continued public hearing. Opportunity was provided to take additional testimony. Council gave direction on remaining issues: Stand-alone residential uses in Commercial zones, deleted annual permit for cargo containers, staff to notify OSD & surrounding properties of rezone proposal. Public hearing continued to 1/27.	29
1-21-20	Planning Commission discussed fencing along alleys and zoning west of Broadway and south of Park Street and made additional recommendations to the City Council.	30
1-27-20	City Council continued public hearing. Testimony from Dr. Chris Hurst (Othello School District), Bob Carlson (Adams County Planning Commission), Jeremy Hopkins (McCain Foods), Roger Ensz (Othello Planning Commission), Doug Pegram (property owner), and Del Green (Columbia NW Engineering). Council direction on remaining issues: No change to fence proposal along alleys (at property line); increase rear setback at alleys to 5' for Residential; defer action on OSD Lee Road property until Feb. 10; notify property owners within 300' of proposed rezoning of Pegram property of Feb. 10 continued public hearing.	31

The draft zoning ordinances and maps are the result of this process. The process has been lengthy, but the decisions being made are important to the future development of Othello, so it is appropriate to spend the time to make the right choices for the future.

**Public Notification:**

- Notice of the original Planning Commission and Council public hearing was published in the legal notices of the Sun Tribune as required.
- A [page](#) on the City website was created in May 2019 and has been updated throughout the process.
- Information about the zoning update was included with the City Newsletter (English/Spanish) mailed out with the utility bills at the end of May 2019.
- There have been various postings on the City website and City Facebook.
- Notice (English/Spanish) of the Nov. 12 public hearing was mailed to 772 owners within 300' of the proposed zone changes.
- The Nov. 12 public hearing was opened, testimony taken, then continued to Nov. 25.
- The Nov. 25 continued public hearing was opened, testimony taken, then continued to Dec. 9.
- The Dec. 9 continued public hearing was opened, testimony taken, then continued to Jan. 6.
- The Jan. 6 continued public hearing was opened, opportunity for testimony was provided, hearing continued to Jan. 27.

- Notice of the proposed zone change at Lee Road was mailed to the property owner and surrounding property owners within 300' on January 9, 2020.
- The Jan. 27 continued public hearing was opened, testimony taken, then continued to Feb. 10.
- Notice of the proposed zone change of the Pegram property was mailed to surrounding property owners within 300' on January 28, 2020.

**Action:**

1. Open the continued public hearing and take any additional testimony on the proposed zoning changes.
2. Provide direction to staff on any remaining issues, which may include changes to the ordinance text, zoning map, and/or Comp Plan map.
3. Take action on the ordinances:
  - a. If no or minor changes to the ordinances are needed, adopt the ordinances with any necessary modifications, or
  - b. If there are significant changes to the proposed ordinances, the Council should provide direction to staff on how to update the ordinances for the next meeting, and continue the public hearing to a specific date.

**Items to address:**

1. Whether to accept the Planning Commission's recommendation to rezone the property owned by the School District south of Lee Road to I-1 Industrial.
2. Whether to accept the Planning Commission's recommendations to rezone 2 parcels west of Broadway and south of the School District Transportation Facility from I-1 Industrial to R-3 Residential.
3. Whether there are any other issues that need to be discussed before the Council takes action on the Zoning Update.

**Form of Motion (if ready to adopt):**

1. Motion to approve Ordinance 1544 amending OMC 14.36.030 "Fences, Walls and Hedges".
2. Motion to approve Ordinance 1545 repealing portions of Title 14 "Buildings and Construction".
3. Motion to approve Ordinance 1546 amending portions of OMC Title 17 "Zoning".
4. Motion to approve Ordinance 1547 repealing portions of Title 17 "Zoning" and creating 4 new chapters: OMC 17.20 "Residential Zones", OMC 17.30 "Commercial Zones", OMC 17.40 "Industrial Zones", and 17.74 "Landscaping and Screening".
5. Motion to approve Ordinance 1548 amending the Comprehensive Plan Future Zoning and Growth Area Map and adopting a new Official Zoning Map.