



CITY OF OTHELLO PLANNING COMMISSION

Regular Meeting 500 E. Main St. August 17, 2026 6:00 PM

1. Call to Order - Roll Call
 - a. Excused Absences
2. Public Input
3. Approval of Minutes
 - a. June 15, 2026 Minutes p.3
 - b. July 20, 2026 Minutes p.5
4. Comprehensive Plan Update/Future Land Use Map/Amendment Request – Discussion p.12
5. Building & Planning Department Report – July 2026 p.85
6. New Business – If there are any new topics to discuss
7. Old Business
 - a. Occupancy of Recreational Vehicles at a Business – Will discuss at a future meeting
 - b. Deficit of housing affordable for under 80% median income – Commissioners asked at the July meeting what could be done about this. Staff will bring some ideas to a later meeting.
 - c. Data Centers – Some cities are adopting proactive regulations; should we?
 - d. Garage requirement – Will return to this topic as time allows
 - e. Housing – Over time, we should continue to look at further implementation possibilities from the [Housing Action Plan](#) (p.15 of HAP/p.24 of PDF)

Next Regular Meeting is Monday, September 21, 2026 at 6:00 PM

*For those who would like to attend remotely, see virtual instruction on next pages.
Remote attendees will be in “listen only” mode unless prior arrangements have been made.*

Webinar Link for Planning Commission Stream
<https://us06web.zoom.us/j/84188552465?pwd=J7XZ2evkdvnPEC2uuoiBSD7lZb8Isc.1>

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City of Othello
Planning Commission Meeting
June 15, 2026
Zuleica Morfin

CALL TO ORDER

Chair Rob Simmons called the meeting to order at 6:02pm.

ROLL CALL

Commissioners Present: Chair Rob Simmons, Ruth Sawyer, Donald Burks, Jose Garza, Daniela Voorhies, Chad Robins

Remote: Maria Martinez

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

Attendees: Bob Carlson; Council members Chris Dorow and Kelli Camp; Tania Morelos, Michael Morelos, Jose Lemus, Genna Dorow

Absent: Council member Alma Carmona

PUBLIC INPUT

Council member Chris Dorow addressed the Planning Commission regarding data centers in Othello. He encouraged the Commission to consider data centers as part of future Comprehensive Plan discussions, noting their potential economic benefits, impacts on water resources, employment opportunities, and tax base growth. He emphasized the importance of educating the public and evaluating whether data centers would be an appropriate opportunity for the city.

MINUTES APPROVAL

May 18, 2026, minutes approved M/S Sawyer/Burks

STATE LAW UPDATE - NEW HOUSING IN EXISTING BUILDINGS, CHILDCARE LOCATIONS, AND FAMILY BURIAL GROUNDS – PUBLIC HEARING & RECOMMENDATION TO CITY COUNCIL

Chair Rob Simmons opened the public hearing at 6:07 p.m.

Community Development Director Anne Henning presented proposed code amendments necessary to comply with recent state law changes regarding:

- New housing in existing buildings
- Childcare centers
- Family burial grounds

Staff discussed the following proposed changes:

- Creating a definition for family burial grounds consistent with 2026 state legislation
- Updating childcare definitions to align with current state licensing requirements
- Allowing childcare centers as outright permitted use in residential and commercial zones as required by state law
- Removing the conditional use permit requirement for childcare centers
- Considering whether adjacent property owners should receive notifications when childcare centers are established
- Updating commercial zoning language regarding daily care providers

Commissioners discussed whether daily care provider language should remain broad enough to include future uses beyond elder care.

Chris Dorow requested clarification regarding language changes removing the Hearing Examiner's authority to impose conditions on childcare centers. Staff explained that because childcare centers are now required by state law to be outright permitted uses, conditional use permit procedures and Hearing Examiner review are no longer applicable.

No additional public testimony was provided, so testimony was closed at 6:25. The public hearing was closed at 6:26 p.m.

Motion: Approve the proposed code amendments, including the definitions and revisions presented by staff. Motion: Burks/Garza

COMPREHENSIVE PLAN UPDATE- PUBLIC ENGAGEMENT- DISCUSSION & JULY 4 VOLUNTEERS

Commissioners discussed gathering community input regarding growth versus preservation priorities and considered including questions related to economic development opportunities such as data centers. Several commissioners volunteered to participate in the July 4 public engagement activities. Staff requested that commissioners provide their availability. Staff also discussed plans for an open house regarding the Comprehensive Plan land use map at the July Planning Commission meeting and sought feedback regarding offering additional afternoon hours for public participation.

OCCUPANCY OF RECREATIONAL VEHICLES AT A BUSINESS- DISCUSSION

Tania Morelos from The Showhouse explained the need for recreational vehicles parking in town for events, tourism, and extended stay visitors. The Showhouse could provide 5 RV spaces with water and electric; however, the municipal code does not currently allow this. The Planning Commission discussed the occupancy of recreational vehicles at business locations and considered related concerns and potential regulations, including length of stay, liability, emergency services, generator noise, and sewage disposal. The Commission asked for more information on considerations and concerns, and will discuss further at a future meeting.

ADJOURNMENT

Having no further business, the meeting was adjourned at 7:19pm. Next meeting is Monday July 20, 2026.

_____ Date: _____

Rob Simmons, Chair

_____ Date: _____

Zuleica Morfin, Building and Planning Secretary



City of Othello
Planning Commission Meeting
July 20, 2026
Anne Henning

CALL TO ORDER

Chair Rob Simmons called the meeting to order at 6:02 pm.

ROLL CALL

Commissioners Present: Chair Rob Simmons, Daniela Voorhies, Maria Martinez, Chad Robbins, Donald Burks, Jose Garza

Excused: Ruth Sawyer (ill)

Staff: Community Development Director Anne Henning

Attendees: Aren Murcar (consultant with SCJ Alliance); Bob Carlson; Genna Dorow representing Terra Gold Farms; Jake Mendez Jr.; Kenya Luna; Sandi Duffey, Adams County Emergency Management; Martin Crowley, representing the Local Emergency Planning Committee; Council members Chris Dorow, Alma Carmona, and Kelli Camp (remote)

PUBLIC INPUT

Jake Mendez, Jr. spoke in opposition to data centers, with concerns about whether jobs would be short term vs long term, full time vs contracted, potable water use, peak water withdrawal on hottest days, and energy use. He stated the City should focus instead on ASR, the swimming pool, and lights at Lions Park.

Bob Carlson wanted to enlighten the Commission that at the last Council meeting, Council was thinking about selling the parking lot north of the library. Mr. Carlson remembers that a long time ago, there were businesses on the west side of First Ave. that didn't have enough parking, so they were allowed to use the City parking lot. Then the City made it a "no place to park zone", he believes that was because of the availability of the City parking lot. He feels parking should be provided by the businesses.

Kenya Luna had questions about data centers and was generally opposed to them, with concerns about cooling needs, water use, strain on the power grid, use of diesel for generators, air quality, permanent jobs, and noise pollution.

Sandi Duffey, Adams County Emergency Management, spoke about the LEPC, Local Emergency Planning Committee, which meets every other month to discuss hazardous chemicals. She stated that the zoning being proposed on the north side of Lee Road scares her. Light Industrial right across the street from Residential. Light Industrial can contain hazardous materials. It's not a matter of if, it's when. Prevailing winds are from the south west. Those winds will blow right into the residential area. The City has already allowed all the businesses on the west side of Broadway and housing on the east side. In their meetings, LEPC discusses the hazardous materials located on Broadway and what is the City going to do when there is a release of these chemicals. The area that might need to be evacuated could be up to a half mile. She would like the City to think about the liability they are accepting if they allow the zoning to change. There is already a high possibility for this to happen. Accidents happen, valves fail, people have bad days, things break. When that chemical comes out of its containerized unit, it can be within the city in a matter of minutes, which does not provide enough time for people to evacuate or shelter in place. That is the problem with allowing Industrial next to Residential. She distributed a map showing existing chemical

facilities and the radius around each. She stated she does not feel it is right for the City to put residents at risk.

Martin Crowley, Vice President of the Local Emergency Planning Committee and member of the State Emergency Response Commission, talked about a presentation last April from an attorney who speaks on the subject of municipal liability who said if planning is not done properly and things happen, municipalities expose themselves to liability. Planning Commissions, City Councils, and County Commissions need to take into considerations the “what ifs”. He works for a company that transports hazardous materials, and while his company would be happy to sell more anhydrous ammonia, he hopes it would not be right near where people are going to live. If there are new locations with hazardous materials, they should be farther from residents. Buffers are the way to go. The residential areas have grown toward the railroad tracks where the industries located. He didn’t want to see poor decisions that resulted in people being hurt.

Chair Rob Simmons mentioned that many of the items in the packet tonight are informational and not something the Commission is going to take action on tonight.

COMPREHENSIVE PLAN UPDATE – FUTURE LAND USE MAP - WORKSHOP

The City’s consultant, Aren Murcar with SCJ Alliance, led the discussion of the Future Land Use Map. He mentioned that he plans to have a draft map for review at the September Commission meeting.

He explained that the Comprehensive Plan and the Zoning Code work together but serve different functions. The Future Land Use Map relates to the Comprehensive Plan, and the Zoning Map relates to the Zoning Code. This distinction is important. Future land use types are broad categories of growth with flexibility, since we don’t necessarily know what the future will bring, but we want to be able to guide that growth somewhat. The land use designations will describe the general nature of development that the City envisions over time without designating specific zoning districts. The designations are not legal districts and are not defined in the code, but zoning decisions that the City makes in the future must be consistent with them. In contrast, zoning districts are legally designated areas in the Othello Municipal Code with specific use and development regulations.

Next, Mr. Murcar summarized the results of the community survey and public outreach so far:

- Support for growth if paired with expanded services and jobs for existing residents.
- Desire to maintain the small-town, family-oriented character, but also expand local options and economic opportunities.
- More shopping, dining, education, and tourism.
- Housing affordability and strain on services/infrastructure were the top concerns about growth.
- Infrastructure capacity (water/sewer) and protection of prime agricultural land were primary constraints on where new growth should occur.
- Existing annexed and utility-served areas, and near Walmart and East Main Street toward SR-17 were felt to be logical places for growth.
- Balance between preserving small-town character and embracing growth for economic opportunity.
- Growth should be deliberate and well-located, not open-ended.
- Maintain the community that we know but also seize opportunities.

Mr. Murcar also shared finding from the Land Capacity Analysis that was done earlier this year and last year:

- Projected surplus within City limits of 825 housing units by 2047 under current zoning and trends, but likely deficit of 425 units affordable to households at or below 80% area median income.
- Most of the vacant developable land within current city limits is concentrated in R4 zoning in the northeast.

Commissioners asked what could be done about the deficit. Council member Alma Carmona mentioned that the Commission previously had recommended changing the zoning in some existing neighborhoods to allow more development by going from R-2 to R-3, but the Council at that time didn't want to change the zoning of existing neighborhoods.

Mr. Murcar stated that the land capacity analysis was the best projection of what might reasonably happen. He also mentioned that as a partially-planning jurisdiction, Othello has more flexibility in annexation and changing the growth area than fully-planning communities do.

Next the Commission discussed land use categories and how to relate zoning districts to land use types. Mr. Murcar presented two alternatives: Alt. 1 had just general categories of Residential, Residential Mixed Use, Commercial, Light Industrial, General Industrial, and Urban Reserve. Alt.2 divided Residential into Low and Med-High Density. He mentioned it can be hard to predict what density future developers will prefer. Commissioners were in favor of keeping the categories general, so Alt. 1.

Then Commissioners looked at the Future Land Use Map to begin discussions about possible changes. Mr. Murcar mentioned that the growth area is quite large, it would double the size of the city. The Comprehensive Plan is for 20 years, so the full growth area is a lot more than would be needed in that time. He explained the possibility of an Urban Reserve designation to show areas that aren't expected to develop in the next 20 years.

Commissioners looked at the commercial nodes designated on the 2015 map. They are mostly at major intersections.

Ms. Henning mentioned there is not currently a designation or zone for public lands, such as the Fairgrounds, City Hall, schools, utilities, or the cemetery.

Council member Chris Dorow recommended looking at Urban Reserve for areas that the Commission doesn't think should develop next, and to encourage areas closer to the city to develop first. Mr. Murcar said that areas designated Urban Reserve could be re-evaluated in 10 years to see if the City at that time is ready to say what they should be designated as. It can be re-evaluated sooner if a landowner has interest in changing it, through the Comprehensive Plan Amendment process. Commissioners discussed designating everything south of Bench Road as Urban Reserve. Ms. Henning asked whether the Hwy 24 (Broadway) corridor should be designated Commercial since it might be ready to develop sooner. Genna Dorow recommended designating existing commercial areas as Commercial, such as the area around Bench and Hwy 24. Commissioners agreed and added the commercial lots southwest of Bench and Hwy 24.

Council member Dorow suggested that Residential all the way to Hwy 17 might not be the best planning, due to noise and the value of visibility for Commercial. Commissioners were inclined to mirror the zoning to the north, which is Commercial along Hwy 26. Mr. Murcar mentioned that the designation map doesn't

currently have a mixed use designation, but that might be a possibility. It could be defined so that at annexation, it could be zoned as higher density Residential or Commercial.

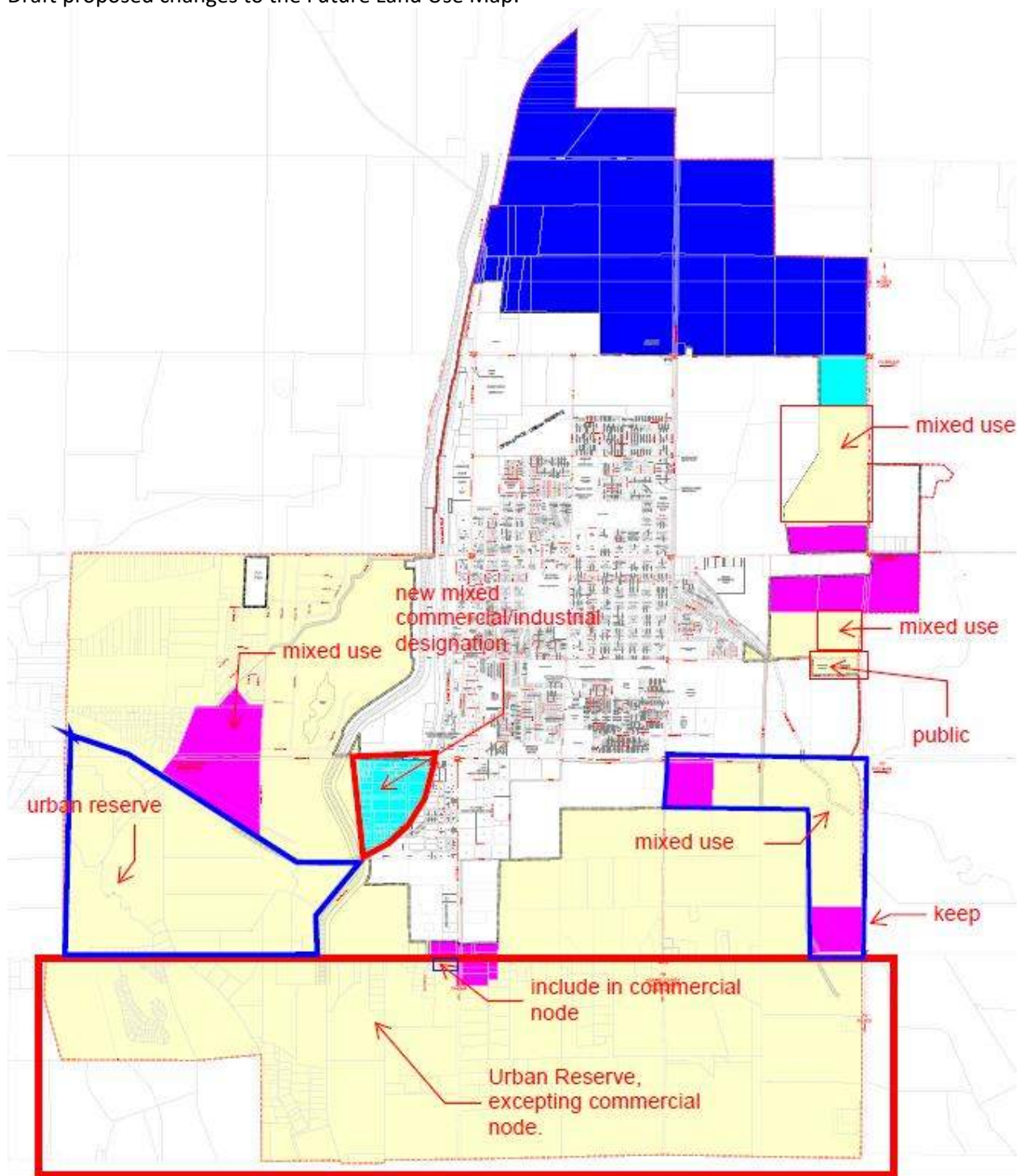
Jake Mendez asked if there was any consideration for event venues like concerts. He mentioned Moses Lake gets revenue from concerts, venues, and parks. He felt that could be added as a way to bring tourism. Commissioners discussed this could be added to the definition of mixed use, along with other facilities such as a sports complex.

Commissioners looked at the existing commercial designation west of town, abutting Hwy 26. Genna Dorow provided history from her time on City Council that this designation likely was because of the access to the railroad along the southern boundary of the commercial designation. Commissioners discussed that rail access can be beneficial for industrial uses, but didn't think industrial was suitable for this location since it was already surrounded by residential uses. Commissioners felt mixed use would be appropriate. They felt south of the railroad and west of the canal could be urban reserve. The sliver of residential east of the canal and west of the Industrial designation should stay Residential since it has existing homes. Commissioners discussed defining a new zone which would better fit the existing uses such as the wrecking yard and shed fabrication without allowing hazardous materials in proximity to residences, maybe a second kind of mixed use for Commercial/Industrial, in addition to the previously-discussed Residential/Commercial. Commissioner Jose Garza mentioned there is only one access to this area.

Commissioners looked at the Commercial designations east of town, at Main Street and Hwy 17. Mr. Murcar noted that it doesn't appear to line up with any existing commercial uses, it was maybe intended to create a commercial corridor along Main Street. Commissioners determined that the current Residential designations along Hwy 17 should be Mixed Use.

Commissioners reviewed the draft proposed changes so far and determined it was adequate for future discussions.

Draft proposed changes to the Future Land Use Map:



COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT REQUEST - DISCUSSION

There has been a request for changes to the designations north of the city, and also within city limits. Chair Simmons asked the proponent to explain the requests so the Commission could ask any questions and then mull it over and discuss further next meeting. Genna Dorow, representing Terra Gold Farms,

- Heavy Industrial changed to Residential east of Reynolds Road and north of Lee Road.
- 660' width of Heavy Industrial changed to Commercial north of Lee Road (in the growth area), because they didn't think Residential coming all the way to Lee Road and turning off of Lee Road would be a good idea.
- 660' width of Light Industrial changed to Commercial south of Lee Road (in City limits).
- Heavy Industrial changed to Light Industrial west of Reynolds Road so there would be a buffer between the proposed Residential to the east and the existing Heavy Industrial to the west.
- A small square of Light Industrial changed to Commercial at the SE corner of Lee and 7th Ave.
- Light Industrial changed to Residential between the existing Residential in City limits and the requested Commercial along Lee Road (in City limits).

The map displays a large area with various land use designations. A large portion of the site is colored blue, indicating a specific land use. A yellow rectangular area is outlined, and a red rectangular area is also outlined. A legend in the top right corner identifies the colors: yellow for 'Requested Residential', red for 'Requested Commercial', and blue for 'Requested Light Industrial'. The map also shows a 'TO MOSES LAKE' road and a 'TO BRUCE' road. A 'OPEN SPACE - URBAN RESERVE' area is labeled in the bottom left. The map includes a north arrow and a scale bar.

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because it is the County zoning that actually controls what happens outside City limits. Mrs. Dorow clarified that they would be working with the County also. Council member Carmona noted that the second map in the packet conflicts by showing the changes all the way to Hwy 17; Ms. Henning said she made the maps in a hurry and the second map is incorrect. The requests were only for the properties owned by Terra Gold Farms. Commissioners discussed that making changes to the west would affect how the properties to the east should be designated.

Chair Simmons stated that he had some questions about the requests but he will save them for the next meeting. Commissioners agreed they would wait for the next meeting to further discuss this request, given the time. Mrs. Dorow stated she would be at the next meeting.

ADJOURNMENT

The meeting was adjourned at 8:09 pm. Next meeting is Monday August 17, 2026.

_____ Date: _____
Rob Simmons, Chair

_____ Date: _____
Anne Henning, Community Development Director

TO: Planning Commission

FROM: Anne Henning, Community Development Director

MEETING: August 17, 2026

SUBJECT: Comprehensive Plan Update – Future Land Use Map

We will continue to work through the information and exercises in the attached memo that we started last month, when we discussed east, west, and south of city limits. Last month, Commissioners were also introduced to requested amendments north of city limits. A further consideration is that Othello's map must be consistent with Adams County's map.

Commissioners should discuss the Future Land Use Map north of city limits, review the direction given last month especially as it relates to the County zoning, and then if time allows, look at whether any zoning changes should be made within city limits.

Attachments:

- Discussion exercise (from 7-20-26 meeting) p.13 of packet
- Future Land Use Map with edits made 7-20-26 p.18 of packet
- Requested changes by Terra Gold Farms:
 - Supplemental questions p.19 of packet
 - Map by staff showing requested changes p.22 of packet
 - 8-4-26 email from proponent's representative p.23 of packet
- Comments on requested changes from:
 - Adams County Fire District #5 p.24 of packet
 - Adams County Planning Department p.25 of packet
 - Adams County Emergency Management p.26 of packet
 - Adams County Economic Development p.31 of packet
 - Adams County Local Emergency Planning Committee p.51 of packet
- Adams County Zoning Map for the Othello area p.83 of packet
- 2025 Othello Zoning Map p.84 of packet

Action:

1. Finalize direction for any changes on the Future Land Use Map.
2. Determine whether any zoning inside city limits should be reviewed for changes.



Planning Commission Workshop: Future Land Use Map

Date: July 20th, 2026

WORKSHOP PURPOSE

- ◆ Review the current Future Land Use Map (FLUM)
- ◆ Identify & discuss potential changes

OUTCOME

- ◆ Consultants & City Staff will draft a revised FLUM for review in September

Two Related but Distinct Tools

The **Comprehensive Plan** and the **zoning code** work together but serve different functions. Understanding the distinction is central to tonight's discussion.

Future Land Use Types	Zoning Districts
Broad categories (residential, commercial, mixed use, industrial, public, etc.) established in the Comprehensive Plan. They describe the general nature of development the City envisions over time, without designating specific zoning districts. They are not legal districts, and are not defined in the code — but zoning decisions must be consistent with them.	Legally designated areas that must follow the Othello Municipal Code, with specific use and development regulations. Zoning districts determine what a specific development project may actually build on a given property.

In short: Future Land Use Types guide the nature of development according to the City's vision. Zoning implements that vision through specific, detailed designations.

Additional Context

Community engagement to date points to a few consistent themes:



- ◆ Residents generally support growth, but want it paired with expanded services and jobs for existing residents. Many expressed a desire to maintain Othello's small-town, family-oriented character, but also expand local options and economic opportunities.
- ◆ Residents support economic growth that expands shopping, dining, education, and tourism opportunities.
- ◆ Education (15.7%) and tourism/lodging (15.5%) were the industries most frequently identified for growth.
- ◆ Increased access to jobs (12.8%) and shopping opportunities (12.5%) were also identified as important improvements.
- ◆ Housing affordability (20%) and strain on city services and infrastructure (16%) were residents' top two concerns about growth in the community survey.
- ◆ Stakeholder interviews identified infrastructure capacity — particularly water and sewer — and protection of prime agricultural land as the primary constraints on where new growth should occur. Interviewees pointed to already-annexed and utility-served areas, and locations such as near Walmart and East Main Street toward SR-17, as logical places for growth.
- ◆ The Vision 2047 community engagement exercise leaned toward a balance between preserving Othello's small-town character and embracing growth for economic opportunity — pointing toward growth that is deliberate and well-located, not open-ended.

A few findings from the **Land Capacity Analysis** and community engagement are especially relevant to tonight's Growth Area and annexation discussion:

- ◆ The citywide Land Capacity Analysis found an overall surplus of 825 housing units against 2047 needs under current zoning and trends, but a deficit of about 425 units affordable to lower-income households (80% AMI or below). Most of the vacant, developable residential land within current city limits is concentrated in R-4 zoning in the northeast.

Taken together, this points toward **directing growth to areas that are already served by infrastructure or logically adjacent to the existing city**, rather than leapfrog development.



Discussion & Map Exercise

Have the current FLUM and zoning map available for reference. Use the prompts below to guide discussion, and mark up the map.

Topic 1: Land Use Types & Zoning

How do we want to relate future land use types to zoning districts in Othello?

Do we support the land-use-type framework shown below (Alt 1 vs. Alt 2)? Is there interest in distinguishing low-density from medium-high-density residential?

Should public land (parks, schools, civic uses) be shown as its own future land use category, separate from residential/commercial/industrial?

Aligning Zoning Districts with Land Use Categories

We recommend designing a FLUM that assigns broad land use categories to areas both within city limits and in the Growth Area, aligning each zoning district with one of the Land Use categories.

A property could then be eligible for rezone within its assigned land use type (e.g., R-1 to R-2, since both fall under “Residential”), but not across land use types (e.g., R-1 to C-1 would not be eligible, since one is “Residential” and the other is “Commercial”). Residential Mixed Use could be treated as a hybrid, eligible to pair with either residential or commercial.

OMC Zoning District	Land Use Type — Alt 1	Land Use Type — Alt 2
R-1	Residential	Low Density Residential
R-2	Residential	Low Density Residential
R-3	Residential	Med-High Density Residential
R-4	Residential	Med-High Density Residential
R-M	Residential Mixed Use	Residential Mixed Use
S-1	Residential	Low Density Residential
C-1	Commercial	Commercial
C-2	Commercial	Commercial
C-3	Commercial	Commercial
I-1	Light Industrial	Light Industrial
I-2	General Industrial	General Industrial
O.S.	Urban Reserve	Urban Reserve

Topic 2: Growth Area

This is the primary focus of tonight's workshop. The Growth Area contains several features worth discussing individually:



- ◆ **Commercial nodes** — are they properly located? Should any be expanded or moved?
- ◆ **Industrial and Light Industrial areas** — are these still the right location for industrial development, and should it be classified Light Industrial or General Industrial? Think about buffers between incompatible land uses such as residential.
- ◆ **Residential areas** — a large amount of land here is designated for residential future land use. Is there interest in making any of it more flexible — for example, using an “urban reserve” designation to hold land for future urban development without committing to a specific land use type this far in advance?

Map Exercise — Growth Area

- Mark commercial nodes for keep / expand / relocate.
- Mark the northern industrial area and the west-central light industrial pocket as Light Industrial or General Industrial, and note keep / expand / reconsider.
- Outline any south/west residential areas proposed for an Urban Reserve or any other designation.



Topic 3: Within City Limits

Time permitting — this topic is secondary to the Growth Area and annexation discussion above.

1. Are we generally comfortable with the current zoning map? Does anything conflict with the Commission's overall vision for the city?
2. Are there specific parcels or areas within city limits where the current zoning no longer fits the surrounding context?

Map Exercise — Within City Limits

- Circle any areas within city limits where zoning should be reconsidered.
- Note the current zoning and the zoning or land use type it should move toward.

Topic 4: Annexation Policy

Rather than leaving the pattern of future annexation open-ended, this Comprehensive Plan update can include a recommendation that the City adopt a formal annexation policy establishing requirements for approving annexation requests.

The core principle: growth should extend outward from the existing city in a contiguous and logical pattern, moving from the inside out, rather than “leapfrogging” to disconnected parcels. A proposed annexation area could not be a string of individual parcels assembled solely to reach a distant subdivision site — it would need to be reasonably contiguous with, and a logical extension of, the existing city limits or already-annexed, serviced areas.

1. Does the Commission support recommending that the City adopt a formal annexation policy through this Comprehensive Plan update?

What should count as “contiguous and logical”? Should the policy also address utility availability, minimum parcel size, or other criteria?

Additional Notes

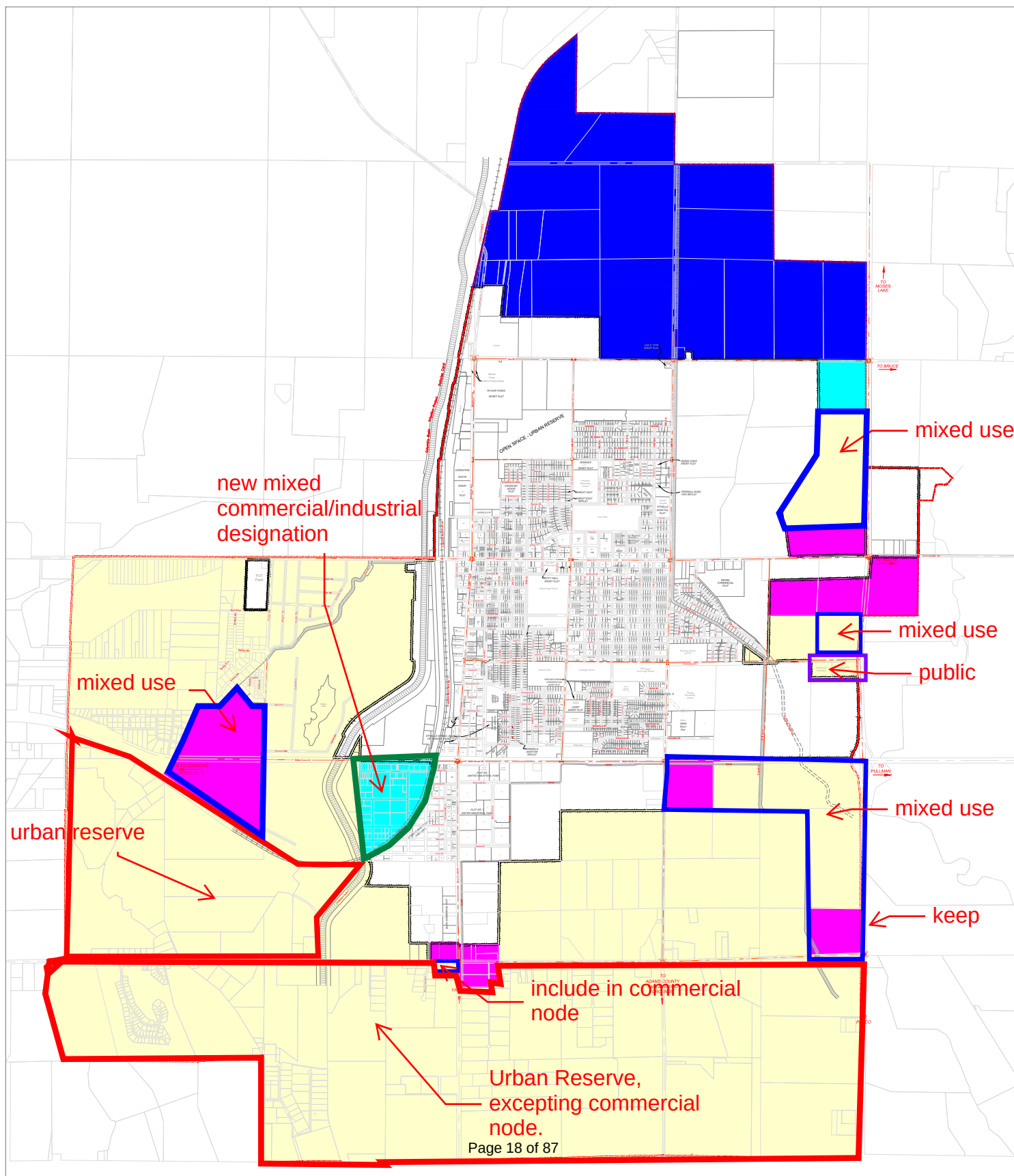


FUTURE

- RESIDENTIAL
- COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- 123 LOT NUMBER
- BLOCK BLOCK NUMBER
- PLAT PLAT NAME
- CANAL

CITY OF OTHELLO GROWTH AREA MAP

With edits discussed 7-20-26



Requested Changes by Terra Gold Farms

Comprehensive Plan / Zoning Map Amendment Supplemental Questions

1. What is the purpose or goal of the proposed amendment?

The proposal establishes a coordinated mixed-use growth area consisting of residential neighborhoods, neighborhood-serving commercial corridors, a commercial gateway, and light industrial employment lands.

Requested Amendments

Township/Range/Section 29E16NS26

- Residential: Parcels 2100450660100 and 2100450670100.
- Residential with Commercial: Parcels 2100450690100, 2100450680100, and 2100450650100, with approximately 660 feet of Commercial zoning extending north along E. Lee Street. The remaining portions of these parcels are requested to be redesignated and rezoned to Residential.

Township/Range/Section 29E16NS27

- Light Industrial: Parcels 2100450700100 and 2100450710100.

Township/Range/Section 29E16NS34

- Light Industrial with Commercial Corner: Parcel 1529030682655 is requested to be redesignated and rezoned to Light Industrial, with only the northeast corner requested to be redesignated and rezoned to Commercial. The Commercial area will accommodate future retail, office, service, and neighborhood-serving commercial uses, while the remainder of the parcel will remain Light Industrial. (Parcel size and commercial dimensions pending.)

Township/Range/Section 29E16NS35

- Residential with Commercial: Parcels 2100450850100, 2100450840100, and 2100450810100 are requested to be redesignated and rezoned to Residential, with approximately 660 feet of Commercial zoning extending south along E. Lee Street. The remaining portions of these parcels are requested to be redesignated and rezoned to Residential. (Commercial dimensions pending.)

2. Describe the property: size, terrain, critical areas, etc.

Properties in Township/Range/Section 29E16NS26, 29E16NS27, 29E16NS34 and 29E16NS35 are generally flat agricultural lands currently in agricultural production despite existing Heavy Industrial and Light Industrial zoning. They are well positioned for future urban development with access to E. Lee Street and planned infrastructure. Parcel sizes and commercial dimensions will be provided where pending.

3. What is the current use, zoning, and land use designation of the subject property and the surrounding properties?

All subject parcels are currently used for agricultural production. Current zoning and requested amendments are summarized below.

Township/Range/Section	Parcel	Current Use	Current Zoning	Requested Amendment	Notes
29E16NS26	2100450660100	Agricultural	Heavy Industrial	Residential	
29E16NS26	2100450670100	Agricultural	Heavy Industrial	Residential	
29E16NS26	2100450690100	Agricultural	Heavy Industrial	Residential + Commercial	~660 ft Commercial north along E. Lee St.; balance Residential
29E16NS26	2100450680100	Agricultural	Heavy Industrial	Residential + Commercial	~660 ft Commercial north along E. Lee St.; balance Residential
29E16NS26	2100450650100	Agricultural	Heavy Industrial	Residential + Commercial	~660 ft Commercial north along E. Lee St.; balance Residential
29E16NS27	2100450700100	Agricultural	Heavy Industrial	Light Industrial	
29E16NS27	2100450710100	Agricultural	Heavy Industrial	Light Industrial	
29E16NS34	1529030682655	Agricultural	Light Industrial	Light Industrial + Commercial	Only NE corner Commercial; balance Light Industrial
29E16NS35	2100450850100	Agricultural	Light Industrial	Residential + Commercial	~660 ft Commercial south along E. Lee St.; balance Residential
29E16NS35	2100450840100	Agricultural	Light Industrial	Residential + Commercial	~660 ft Commercial south along

					E. Lee St.; balance Residential
29E16NS35	2100450810100	Agricultural	Light Industrial	Residential + Commercial	~660 ft Commercial south along E. Lee St.; balance Residential

Surrounding Properties

- North: Agricultural land and developing urban growth area.
- South: Existing and planned residential development.
- East: Agricultural land, transportation corridors, and future development opportunities.
- West: commercial development and expanding urban uses.

4. How will the proposal address the long-term interests and needs of the community as a whole?

The proposal provides additional housing opportunities, neighborhood-serving commercial services, employment lands, and efficient use of planned public infrastructure while supporting orderly growth.

5. Are there any changed conditions...

Although the properties remain in agricultural production, surrounding development, infrastructure expansion, and changing community needs support a balanced mix of residential, commercial, and industrial uses.

6. How does the request help implement the Comprehensive Plan?

The proposal supports orderly growth, housing, economic development, compatible land use transitions, efficient public facilities, and preservation of employment lands.

7. Will the proposal have adverse impacts on adjacent properties?

Future development will comply with City standards for access, buffering, landscaping, utilities, environmental review, and stormwater management. Appropriate transitions will minimize impacts.

Map by staff showing
changes requested by
Terra Gold Farms



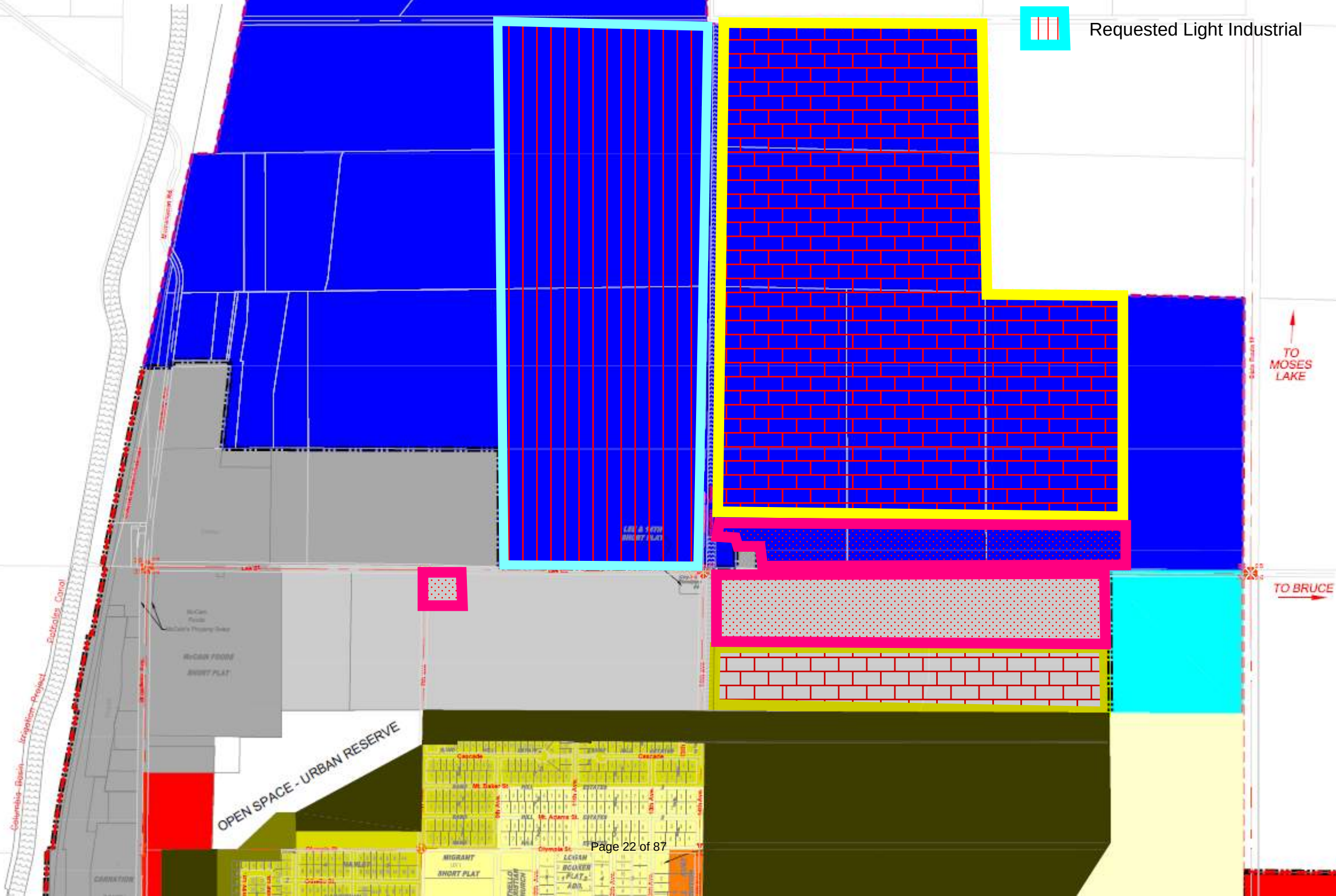
Requested Residential



Requested Commercial



Requested Light Industrial



Anne Henning

From: Genna Dorow <genna.odac@outlook.com>
Sent: Tuesday, August 4, 2026 4:54 PM
To: Anne Henning
Subject: Re: Ochoa land use designation requests

Anne,

Thank you for the reminder and clarification regarding the properties located outside Othello city limits. We understand that Adams County's zoning controls what may be developed on those properties and that the City's Future Land Use Map must ultimately be consistent with the County's designation.

Regarding the safety concerns discussed at the Planning Commission meeting, the City currently provides only a Light Industrial designation to serve as a buffer between the proposed residential area and the existing Heavy Industrial area. We believe this designation provides an appropriate transition between the two land uses.

In developing this proposal, we have also doubled the minimum required buffer between the Heavy Industrial and proposed residential areas. This increased separation, together with the requested Light Industrial designation, provides additional protection and a more gradual transition between potentially incompatible land uses.

Most of the light industrial activities that generated concern, including facilities involving ammonia or similar industrial materials, are expected to be located along the rail corridor within the existing industrial area. For this reason, we believe the requested Light Industrial designation, combined with the increased buffer, provides the most appropriate and effective separation for the proposed residential designation.

At this time, we would consider revising our zoning request if the City were to further differentiate or subdivide the Light Industrial designation to better address safety concerns when located adjacent to residential uses; however, under the current ordinance, Light Industrial is the only available option for providing the necessary buffer.

We also intend to begin working with Adams County regarding the properties located outside the city limits. Could you please provide the name and contact information for the appropriate Adams County department or staff member with whom we should begin the process of requesting changes to the County's Comprehensive Plan land-use designation and zoning map?

We appreciate the City's assistance and look forward to working cooperatively with both the City and County to develop consistent land-use maps and address the concerns raised during the review process.

Sincerely,

Genna Dorow
Facilitator
Terra Gold Farms
509-855-1624

Anne Henning

From: Tom Salsbury <tsalsbury@ACFD5.COM>
Sent: Tuesday, July 14, 2026 3:59 PM
To: Anne Henning
Subject: RE: Othello Land Use Designation Request

Anne,

The Fire District would not like to see Light Industrial Mixed with Residential this creates to many hazards being that close to residents. What would be nice if that whole area could be light Industrial and keep it to one area in the city.



Tom Salsbury
Fire Chief
Adams County Fire District 5
220 S Broadway Ave
Othello, WA 99344

509-488-2951

From: Anne Henning <ahenning@othellowa.gov>
Sent: Wednesday, July 8, 2026 4:54 PM
To: Tom Salsbury <tsalsbury@ACFD5.COM>
Subject: Othello Land Use Designation Request

Tom,
Attached is a rough map showing the request received today for changes to land use designations at the northeast end of Othello city limits and growth area. Since the Planning Commission is going to be discussing land use designations July 20, I will show this to them. We will be very interested in your feedback.
Do you have any guidance on whether these areas would be suitable for designating as Residential, Commercial, and Light Industrial as shown? I know in the past there have been some concerns about Industrial proximity to Residential, especially related to wind patterns. I would appreciate your thoughts.
Thanks,

Anne Henning, AICP
Community Development Director
City of Othello
(509) 331-2710 direct line | (509) 488-5686 City Hall main phone
www.OthelloWa.gov





BUILDING AND PLANNING
449 E CEDAR BLVD, OTHELLO, WA 99344
(509)-488-9441

Date: August 3, 2026

To: Anne Henning, AICP
Community Development Director

RE: AJ Ochoa/Terra Gold Farms land use designation changes

Received By
Othello Bldg & Planning
Aug 03 2026

Anne,

I have reviewed the proposed map depicting the land use designation changes and offer the following comment:

The parcels located north of Lee Street are outside the City of Othello's incorporated limits and are currently subject to Adams County zoning and are currently designated as both Heavy Industrial and Light Industrial. The existing zoning reflects the County's long-term land use, planning objectives for industrial development within this area.

The proposed redesignation of adjacent property to residential use may create potential life safety and land use compatibility concerns. Specifically, the proposed residential lots would be located downwind of existing Heavy Industrial and Light Industrial areas, increasing the potential for future conflicts related to industrial operations, including noise, odors, emissions, and other impacts typically associated with industrial uses.

Consideration should be given to maintaining an appropriate land use transition or buffer between industrial and residential areas to protect public health and safety while preserving the long-term viability of existing industrial uses.

The proposed land use designation should be evaluated for consistency with adopted comprehensive planning policies related to land use compatibility, public health and safety, and the preservation of existing industrial areas.

Andie Lorenz,
Director / Fire Marshal



EMERGENCY MANAGEMENT

Sandi Duffey – Director

August 10, 2026

City of Othello Planning Commission
500 E. Main Street
Othello, WA 99344

RE: City of Othello Growth Management Plan

Should the City of Othello continue to annex areas currently surrounding the City of Othello I have concerns with the area to the North.

Area North of Lee Road:

- Placing Residential next to industrial, this is a current concern with the existing area on Hwy 24/Broadway. Hazardous Materials are allowable under the current Heavy and Light Industrial code. Prevailing winds are from the South, Southwest, and West, which directs chemicals into residential areas. Allowing the same development to occur in the area north of Lee Rd creates the same environment as the area around Hwy 24/Broadway. One facility had the release of Anhydrous Ammonia several years ago. *(see attached map)*
- Traffic, Lee Rd is the 'Business Route', the amount of traffic on Lee Road will increase due to the number of residential homes that are being planned and as the area below Lee Road fills with more residential homes. Commercial trucks use the Business Route all day/night long, and commercial trucks are not able to stop quickly and the potential for serious accidents will increase.

The attached article *(see attachment below)* discusses the safety of industry, it is not a matter of 'if', but 'when' an accident occurs. Is the City of Othello Planning Commission prepared to take the liability for such an accident due to planning? If there is a fatality, what will the City do knowing that there was a strong possibility this could occur?

I would also like to know if the City of Othello Planning Commission is aware of the pipeline on Lee Road, this pipeline is a main line that provides natural gas to Othello customers. Natural gas brings its own forms of hazards however it can compound an incident.

Adams County does not have a Hazardous Materials (Haz Mat) Team capable of intervening during an incident and our current industries do not have their own on-site Haz Mat Teams which places Adams County in a situation that calling in a Haz Mat Team from either Spokane or the Tri-Cities area will require hours. Depending on the rate of release the Haz Mat team would arrive AFTER the hazardous materials have completely released. During a release the best that the City could do is evacuate (if possible) or shelter in place, are the citizens of Othello prepared? Do the citizens of Othello know what it means to shelter in place?

My questions to the City of Planning Commission are:

- ✓ Is the City of Othello Planning Commission ready to accept the liability of approving this type of continued development?
- ✓ Is the City of Othello prepared to advise the residents on shelter in place or evacuations?

PLEASE contact me for further discussion.

Sincerely,




Sandi Duffey
Director, Adams County Emergency
Management

Phone 509-659-3337

Mobile 509-347-6841

Web www.co.adams.wa.us

Email sandid@co.adams.wa.gov

2069 W Hwy 26, Othello, WA 99344



Map.pdf



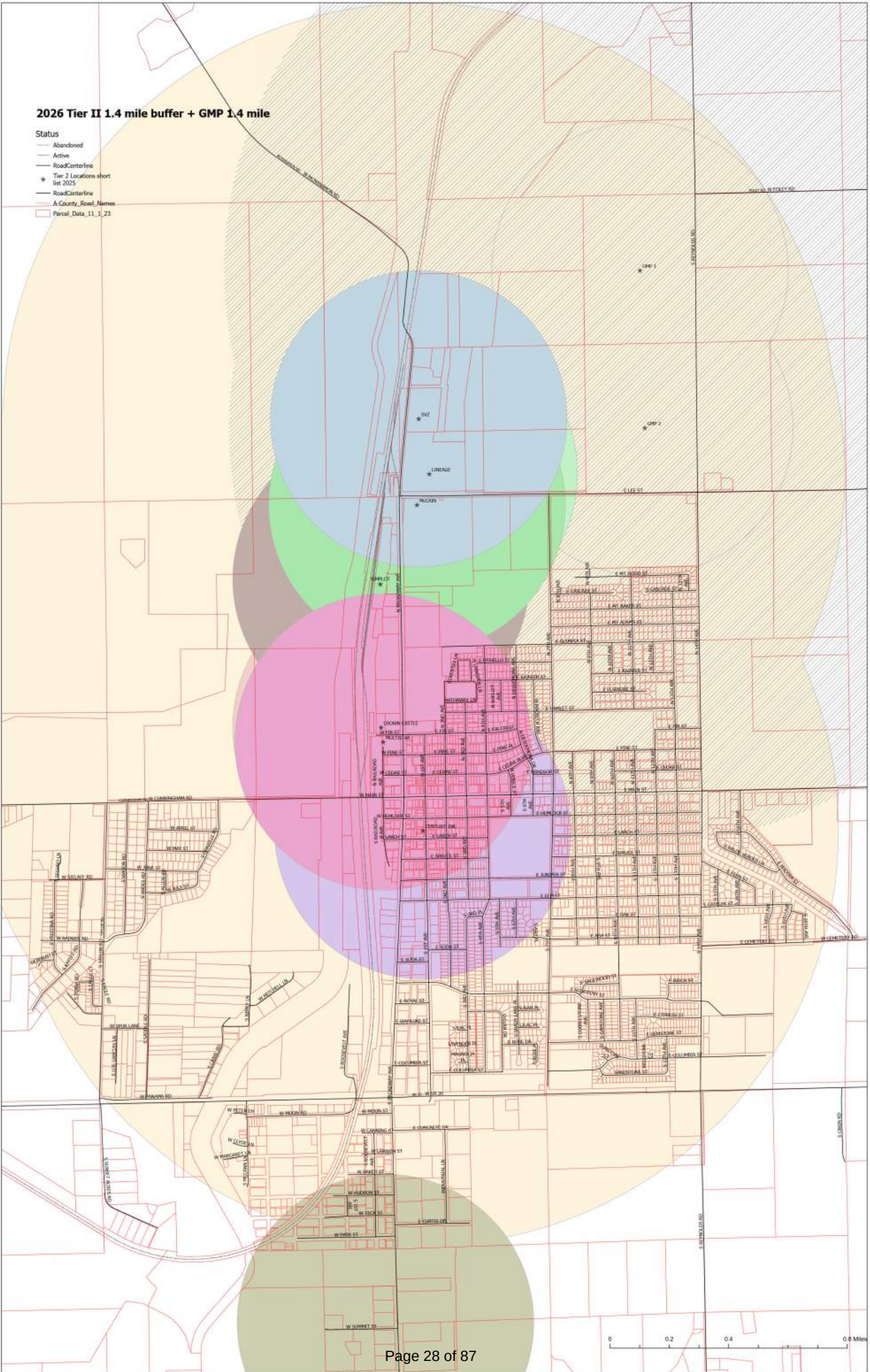
FEMA 2019
Hazardous_Materials_

Attachments:

Cc: Adams Co Commissioners
Adams Co Building & Planning

2026 Tier II 1.4 mile buffer + GMP 1.4 mile

- Status
- Abandoned
 - Active
 - RoadCenterline
 - Tier 2 Locations short list 2025
 - RoadCenterline
 - A-County_Road_Names
 - Parcel_Data_11_1_23



Is industry getting more or less safe?



BY PHILLIP BROADWITH | 14 JULY 2026

As we look at the impact and legacy of incidents, ranging from the [Seveso disaster five decades ago](#) to more [recent deadly incidents](#), it's clear that while significant progress has been made in safety culture and regulation, the inherently hazardous nature of many chemical processes means that we are still seeing regular incidents leading to injuries and deaths of plant workers.

US non-profit organisation Peer ([Public Employees for Environmental Responsibility](#)) has highlighted the number of serious chemical incidents across the US in recent years, aiming to stress the risks attached to the US government's proposals to reduce incident prevention requirements. Peer also emphasises the important role of the US Chemical Safety and Hazard Investigation Board (CSB), which president Donald Trump's administration is [trying to eliminate](#).

Peer's analysis is based on the CSB's [public reporting of serious incidents](#), with figures available since 2021. Peer says the data show a 50% overall increase in incidents between 2021 and 2025 (83 to 133 incidents), with a 20% increase in incidents involving injuries or fatalities from 2024 to 2025. However, a more comprehensive look into that same dataset provides a more nuanced picture.

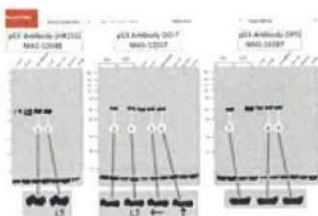
Year	Incidents	With fatality	With serious injury
2021	83	17	52
2022	108	8	56
2023	122	19	63
2024	110	22	62
2025	133	22	77
2026 (to 1 June)	56	8	26

As might be expected, overall incident numbers show significant variability, rather than an abrupt jump last year. However, even in this relatively short timescale there does appear to be an upward trend – both in the overall number of incidents, as well as the number that involve serious injuries and fatalities.

Identifying the cause of such an increase is very difficult. The impact of regulatory changes tends not to become visible until years after they are implemented. Meanwhile, there are many other factors putting pressure on safety, such as competitive pressures across the global industry leading to lower investment, and climate change leading to increased risks from events like [hurricanes](#) and periods of extreme heat or cold weather, for which plants are not properly prepared.

However, given that the frequency of severe and deadly incidents is certainly not decreasing, one thing is clear: now is not the time to be relaxing safety regulations and dismantling the mechanisms that allow companies to understand the causes of incidents across the industry and learn from them.

MORE PHILLIP BROADWITH



Trust is easily broken and hard to rebuild



An update on the Strait of Hormuz & potential explosives at an Antarctic base

Should the EU stop exports of pesticides it has banned?

August 11, 2026

Anne Henning, AICP
Community Development Director
City of Othello

Re: Comments on the Future Land Use Map, Northeast Growth Area and the Terra Gold Farms Request

Anne,

Thank you for asking ACDC to weigh in on the Future Land Use Map update for Othello's growth area, and specifically on the redesignation request submitted by Terra Gold Farms for the roughly 1,200-acre Heavy Industrial block north of city limits.

This area and these parcels sit directly adjacent to our existing industry of McCain Foods, Simplot, and SVZ in the northwest corner of Othello, anchoring our impressive food processing industrial base. This area in the northwest also sits along the short line rail owned by Columbia Basin Railroad.

Before I go further, I want to state plainly that the Ochoa family is one of the largest landowners I work with in west Adams County. They have been a key partner in many ACDC potential projects, and are a key partner on active potential projects. ACDC does not own land, we partner with public and private land owners to facilitate growth. Ultimately, however, that growth opportunity decision fundamentally lies with the landowners we bring these opportunities to.

ACDC approaches these situations with an engineering-first approach, and my comments and analysis that follow will be based on that approach. Everything that follows is built on acreage, rail distance, utility capacity, and documented market demand, and I have held it to the same standard I would apply to any landowner's request in this county.

Please refer to the following document for my analysis.

Sincerely,



Kyle A. Niehenke, MBA
Executive Director, Adams County Development Council

Ochoa Heavy Industrial Ground and Proposed Changes – ACDC Review

Othello's Role in Adams County's Industrial Future

Industrial land is where the future of our job growth lies for Adams County. Correctly zoned industrial land is one part of the multi-piece puzzle that ACDC works to piece together to find opportunity for Adams County. For the Othello area, ACDC's strategic framework treats the City of Othello and the Port of Othello's Bruce Industrial Park as distinct pieces of the same county industrial base, not competing options. While the current industry for our Othello panhandle area of Adams County is currently concentrated in the City of Othello, Bruce carries the county's strongest future potential currently due to concentration of water, gas, and electrical capacity. Bruce is where our current site selectors are looking, and because of that, it is where I steer large-footprint, utility-intensive prospects. The City of Othello's comparative advantage currently sits with smaller-footprint industry: food processing expansion, advanced manufacturing, and agricultural support technology, built around the McCain, Simplot, and SVZ cluster already anchoring the north end of town. The recommendations below are built around matching Othello's designation to that realistic, medium-footprint role, rather than defending every acre of Heavy Industrial designation on principle.

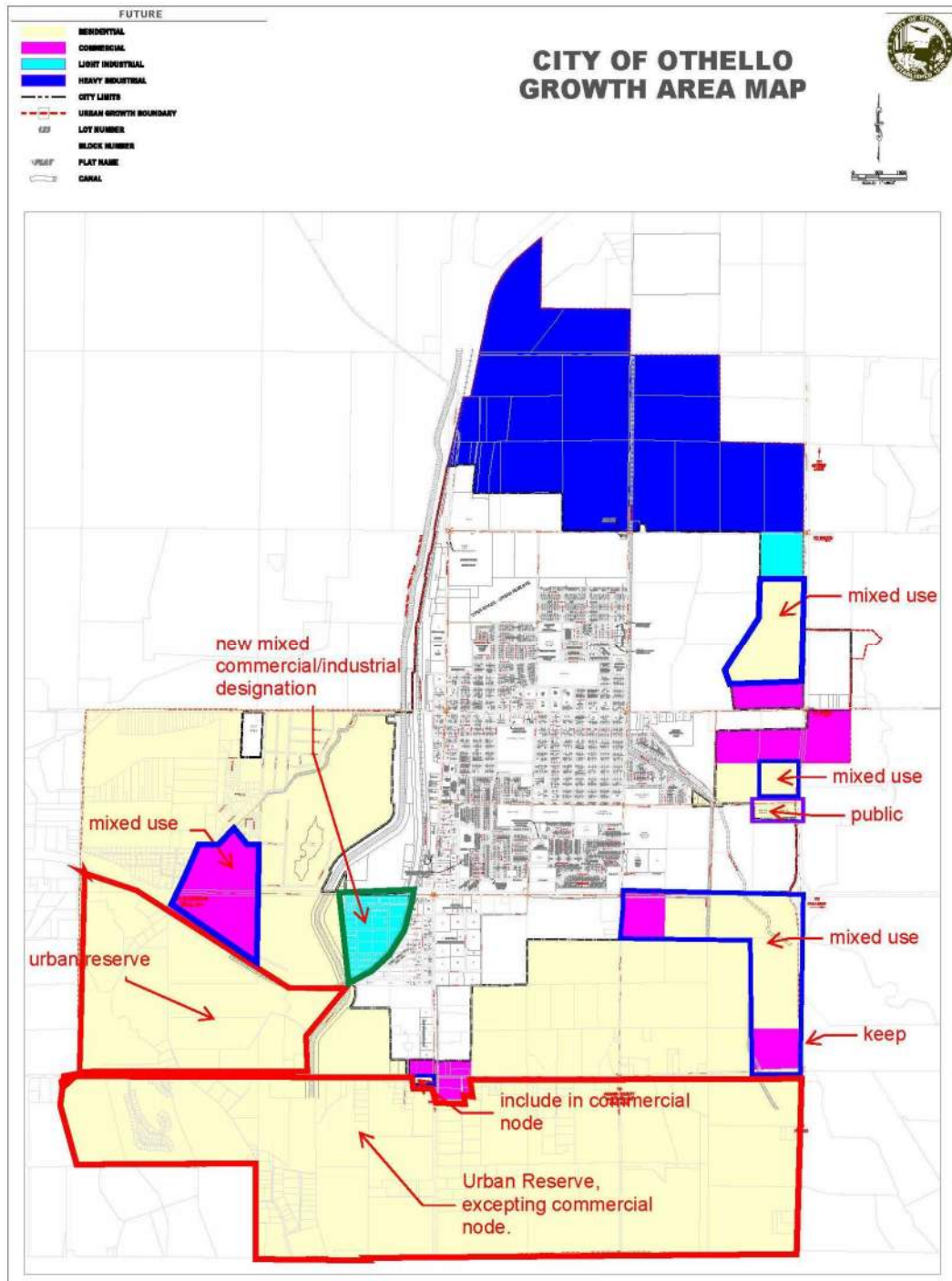
It is also worth emphasizing that ACDC realizes there are different benefits received for each of our taxing jurisdictions dependent on where a project lands in the County. ACDC is keenly aware that a project in the city limits of Othello has a greater direct benefit to the City of Othello than a project that lands in Bruce outside of City Limits, even though the workforce is the same for both locations. This difference is not lost on ACDC, but is wholly outside the realm of ACDC's control.

ACDC works for our residents, our county, our cities, and our port, and we view any site within Adams County as a win for all of our stakeholders. When a project inquiry focuses in on a certain location, it is ACDC's role to offer them multiple opportunities within their target area. The only way in which all of Adams County will succeed is to ensure that we do not, under any circumstances, pit one area of the County against another. Our rural population is sensitive to even the smallest incremental wins, and small enough that a project locating within any of the 1,925 square miles we all call home is a fundamental win for all of us, regardless of which jurisdiction receives the lion's share of the direct tax benefit.

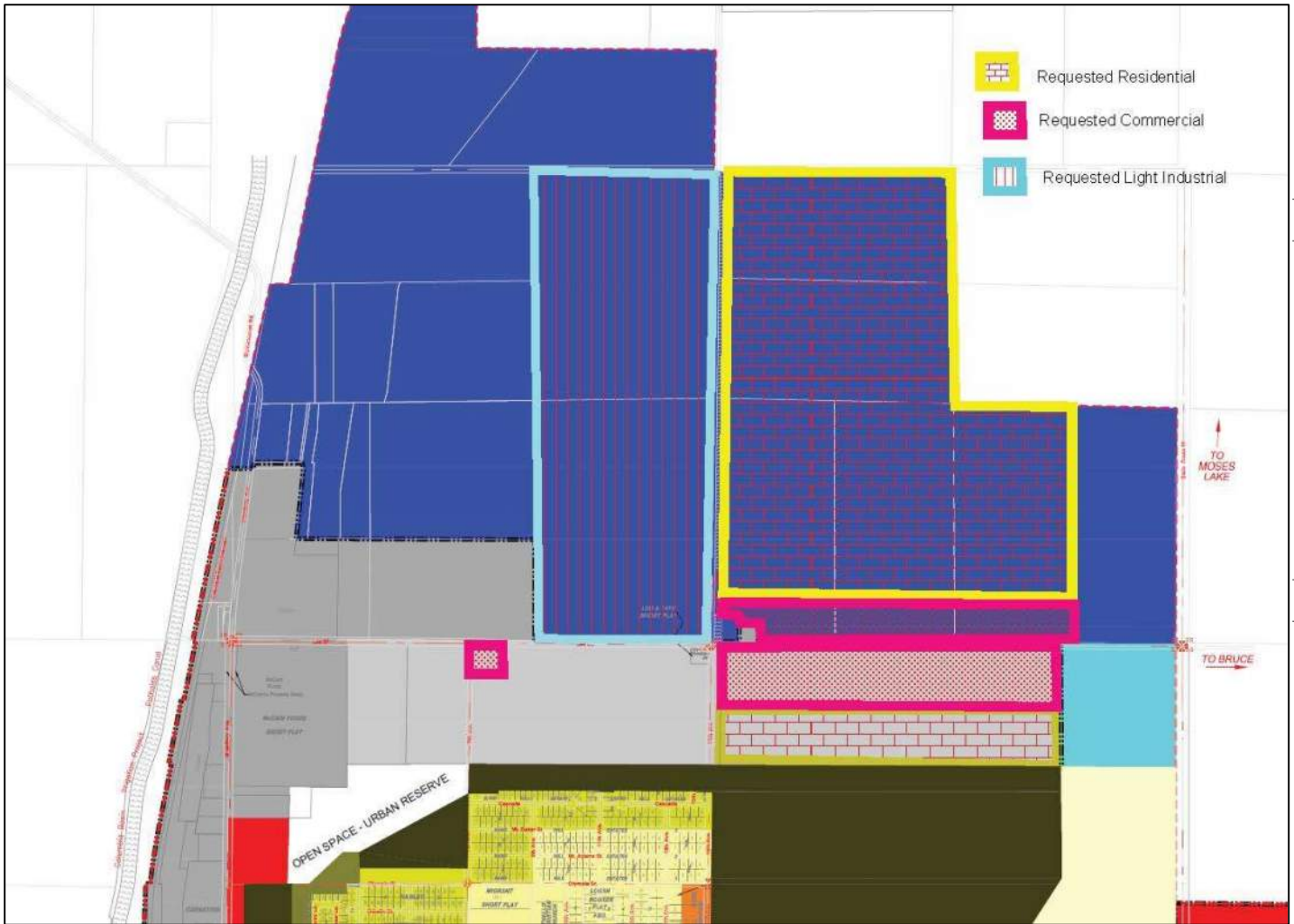
Review of Inquiry and Materials

The following maps were provided to ACDC prior to this analysis. Assumptions were made based on assumed parcel borders corroborated between the provided maps and Adams County's own GIS mapping and parcel viewer.

This is the City of Othello's working map provided.



This is the map provided reflecting the request from Ochoa.



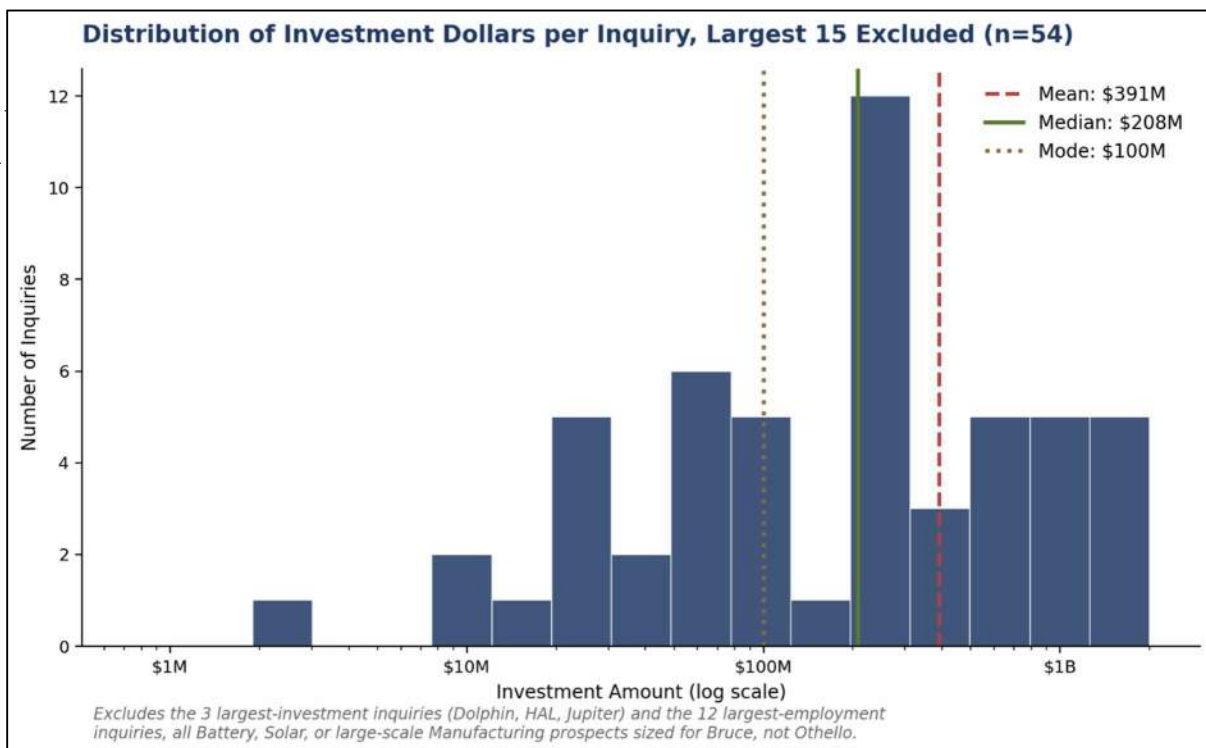
State of the Industry: Typical Projects Fielded by ACDC

Before diving into the land analysis, ACDC wants to provide an overview of the state of economic development and the inquiries (leads) we field, as it will help establish a baseline for reasonable comparison as we evaluate the land use change requested by Ochoa's.

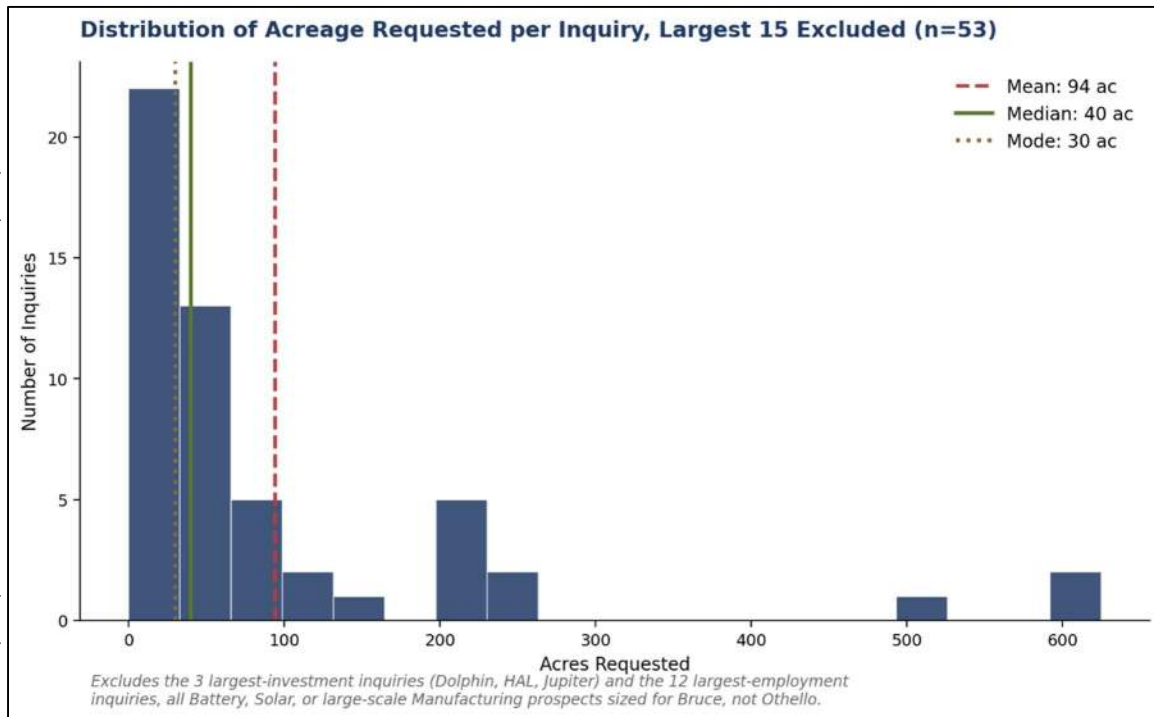
This is the raw data behind ACDC's own site selector pipeline in detail. This data informs nearly every recommendation in this letter, and it deserves examination here on its own, not as a footnote. ACDC logs every project inquiry it receives, whether routed through the Washington Department of Commerce or through direct outreach, regardless of whether the inquiry ultimately locates in Adams County, goes elsewhere, or never proceeds. Since the log's first entry in September 2021, it has recorded nearly 100 inquiries, representing a combined \$165.01 billion in potential investment and 50,030 potential jobs across every category ACDC has fielded. Also worth noting: ACDC only receives the information given to us. Not every metric on an inquiry is populated, so for the nearly 100 inquiries, a majority will have basic investment dollars, land size, and employee count, but not all.

That \$165.01 billion figure is heavily concentrated, and I want to expand on that before letting the headline number stand alone. Fifteen inquiries, three headlined by a \$54.0 billion semiconductor prospect requesting 640 acres, a \$48.7 billion data center prospect, and a \$10.0 billion IT prospect, and twelve more led by a \$10.0 billion manufacturing prospect projecting 5,100 jobs, account for \$143.9 billion of the total, or roughly 87 percent, concentrated in prospects sized for (or even beyond) Bruce's scale rather than Othello's. The median inquiry across all 94 is \$300 million, and once those fifteen are set aside, the median across the remaining 54 with investment data drops to \$208 million, the more representative figure for the kind of project ACDC typically fields and the kind Othello is realistically positioned to capture.

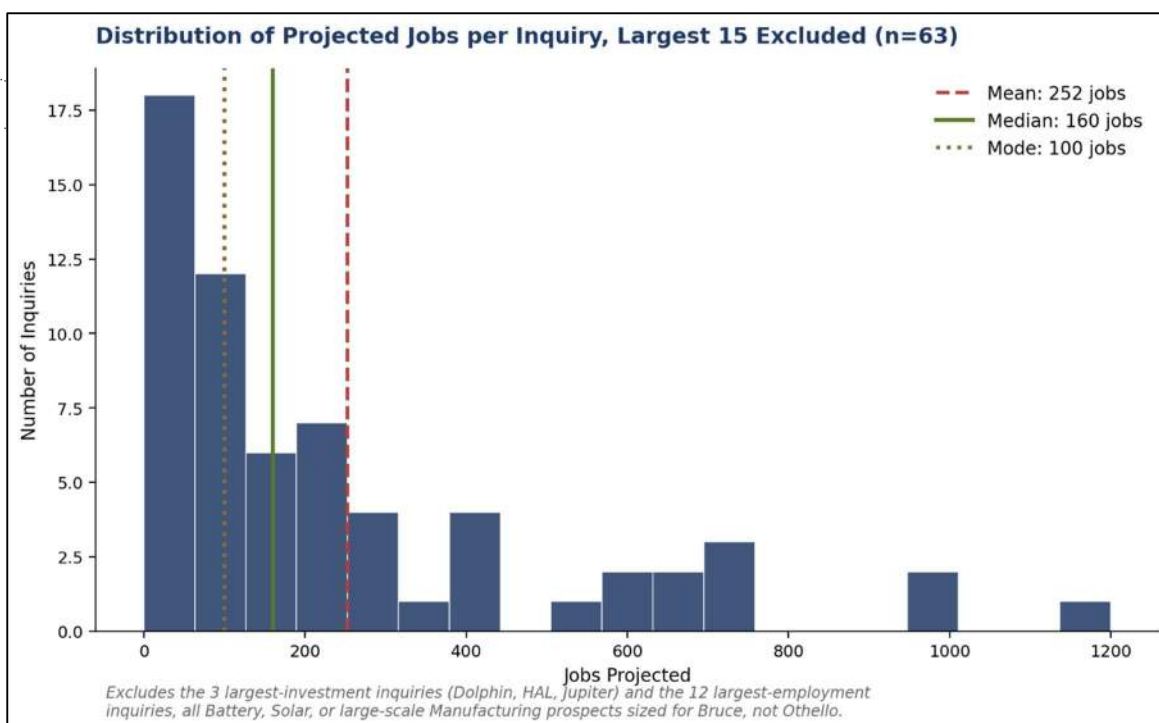
The graph below shows the distribution of project budgets with the "Big 15" excluded. This graph is much more representative of the project leads that ACDC fields that could be realistic fits for Othello.



The below graph shows the rough acreage requirements each project needs, with the “big 15” removed. The average acreage is 94 acres, the median inquiry is 40 acres.



The below graph shows the rough job figures associated with each inquiry, with the “big 15” removed. The average is 252 jobs, the median inquiry is 160 jobs. While the “big 15” represent a dramatic increase in jobs, those inquiries will not give proper consideration to an area like Adams County where they would instantly represent over 1/3 of the actual workforce.

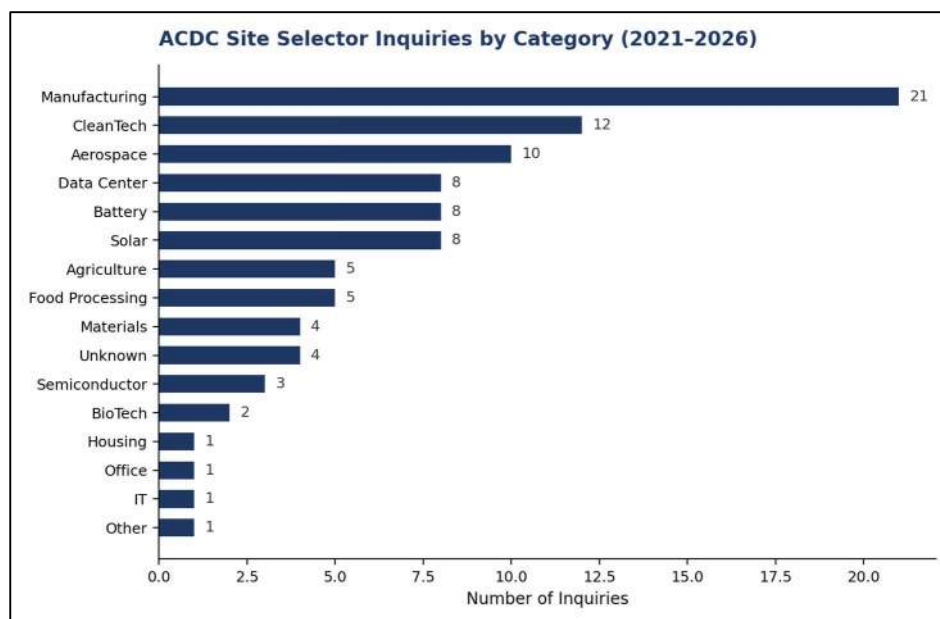


ACDC Site Selector Inquiries by Category, Largest 15 Excluded (n=79)

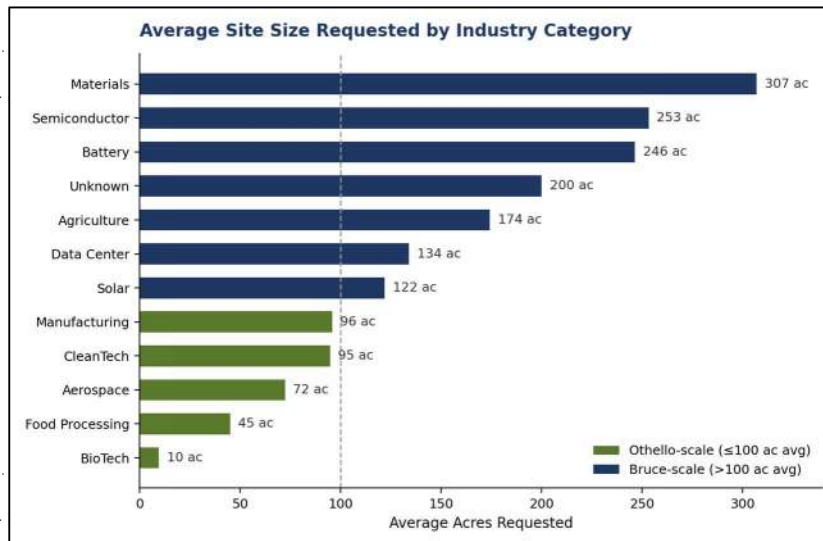
Category	Inquiries	Avg Acres	Total Investment	Total Jobs
Manufacturing	19	64	\$5.03B	4,276
CleanTech	12	95	\$6.20B	1,900
Aerospace	9	77	\$761M	1,538
Data Center	7	134	\$1.40B	150
Solar	5	53	\$2.12B	2,510
Food Processing	5	45	\$1.03B	1,065
Agriculture	5	174	\$70M	580
Materials	4	307	\$1.82B	1,125
Unknown	4	200	\$0	10
Battery	3	118	\$2.41B	2,140
BioTech	2	10	\$99M	100
Semiconductor	1	20	\$200M	110
Housing, Office, Other (1 each)	3	n/a	\$0	400
Total	79	92 (avg) / 40 (median)	\$21.13B	15,904

Excludes Project Dolphin, HAL, and Jupiter (largest investment) and the 12 largest-employment inquiries: Coaster, Epsilon, Marathon, Energy Force, Runway, Poppy, Stella, Helios, America, Glow, Charge, and Stamper.

The table above strips out the fifteen largest outliers to show what a typical inquiry looks like once Bruce-scale prospects are set aside. The chart below returns to the full, unfiltered pipeline, all 94 inquiries including those fifteen, because the category-level pattern that follows, which industries run small and which run large, only holds up if it is shown against the complete dataset rather than the trimmed one.



Manufacturing leads the pipeline at 21 inquiries, roughly 22 percent of everything logged since 2021, followed by CleanTech at 12, Aerospace at 10, and Data Center, Battery, and Solar at 8 each. Food Processing and Agriculture each recorded 5 inquiries. The distribution is important for how Othello should think about its own designation choices: We are not a county fielding one or two industries. We are fielding a genuinely broad range of prospects, and the acreage and utility profile of those prospects differs enormously by category, which is what the next chart addresses.



Of the 94 logged inquiries, 67 specified a requested acreage. Median requested acreage across those 67 is 50 acres, and the average is approximately 125 acres, skewed upward by a smaller number of very large requests. Sorting by category average tells a clearer story than the blended figure alone: Materials, Semiconductor, Battery, and Data Center prospects average well over 100 acres each, in some cases exceeding 250, while Manufacturing, CleanTech, Aerospace, and Food Processing all average under 100 acres, with Food Processing averaging just 45. Sixty-nine percent of all inquiries with acreage data, 46 of 67, requested 100 acres or less.

This is the data behind the Othello-Bruce role allocation stated at the top of this letter, not just ACDC's general impression of the market. The categories that authentically fit Othello's realistic footprint: Food processing, light manufacturing, and aerospace components all cluster well under 100 acres on average. The categories that need Bruce's scale and utility concentration: Materials, semiconductor, battery, and data center all cluster well above it. I would also note that of the 27 inquiries that specified rail access as a requirement, the average requested acreage was 185 and the median was 175, both considerably above the all-category average. When a prospect genuinely needs rail, it also tends to need more land, which is the clearest data-driven argument in this entire analysis for retaining a meaningful, contiguous, rail-served Heavy Industrial block in the Ochoa ground that allows us to pursue industrial opportunity at a meaningful scale while still allowing for the zoning change being requested.

The North Parcel by the Numbers

The table below reflects an approximate GIS overlay of Terra Gold Farms' request map against the City's current Future Land Use Map, measured directly against Adams County's GIS map. Rounded numbers and approximations were used for calculations, because the Ochoa map does not have exact numbers or parcel identification. For discussion purposes, these engineering estimates are assumed to be accurate.

Designation	Acres	% of Block	Rail Distance	Source
Heavy Industrial (retained, rail-served west end)	480	40%	0 miles (frontage)	GIS overlay
Light Industrial (transition band, incl. reclassified east pocket)	320	27%	0 to 2.miles	GIS overlay + request map
Residential	335	28%	n/a	Terra Gold Farms request
Commercial (Lee Road strips)	44	4%	n/a	Terra Gold Farms request
Total	1,179	100%		vs. 1,200 ac measured
New Commercial, Lee Road south strip (outside original Heavy Industrial block)	80	n/a	n/a	Terra Gold Farms request
New Residential, south of Lee Road commercial (outside original Heavy Industrial block)	80	n/a	n/a	Terra Gold Farms request

Combined with the additional 160 acres of commercial and residential strips south of Lee Road, the full discussion area totals approximately 1,339 acres.

The Columbia Basin Railroad runs the full western boundary of this study area, adjacent to W McManamon Road and the East Columbia Irrigation District canal.

The eastern edge of this entire Heavy Industrial section sits 2 miles from that rail line. That distance is not disqualifying, spur extensions of that length are a normal cost of doing business for a rail-dependent industrial user, but it does mean the west and east ends of this area are not equally valuable industrial sites today, and the designation should reflect that difference.

The 480 Acres on the Rail-Served West End Should Remain Heavy Industrial

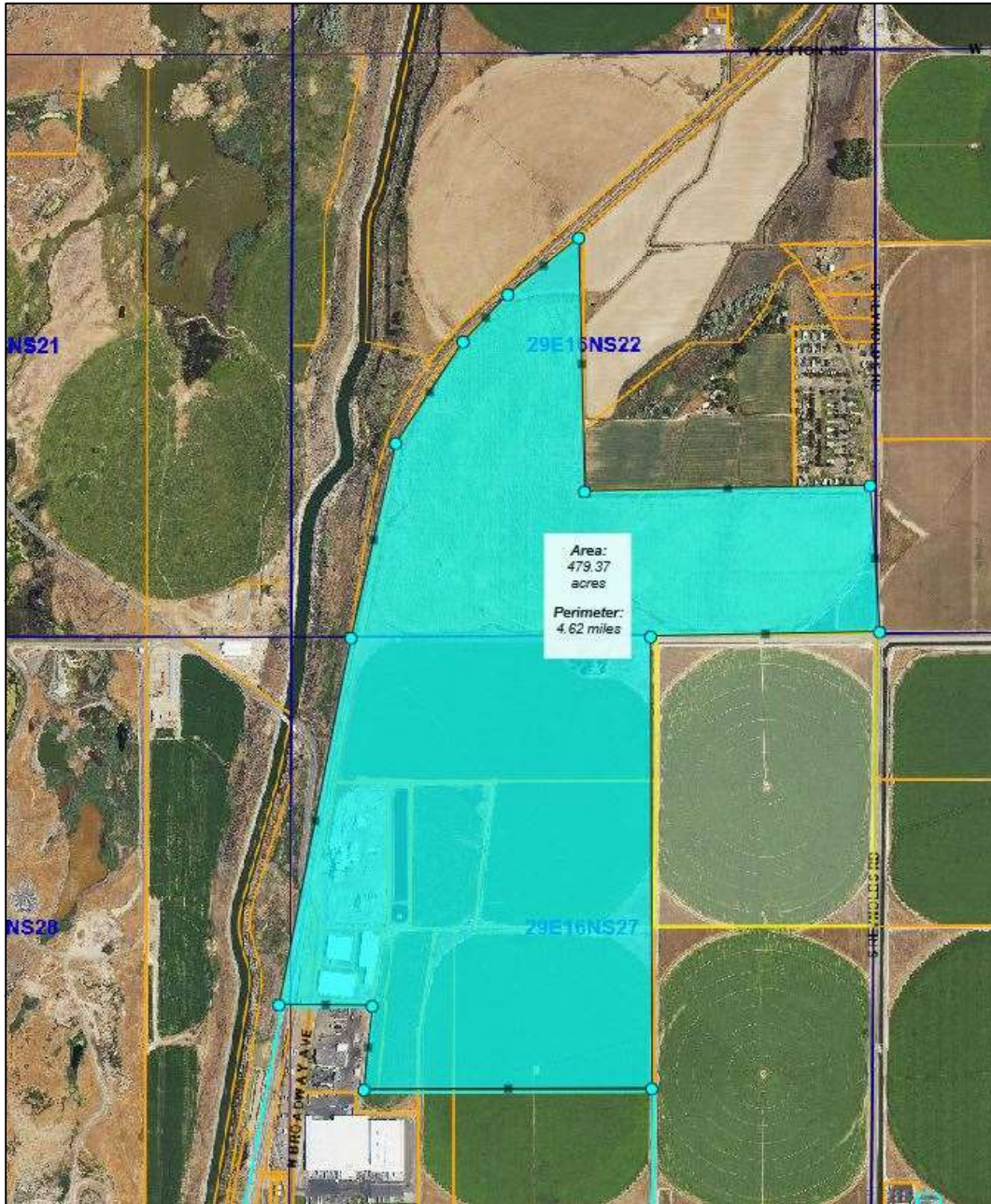
Ochoa's request leaves approximately 480 acres as Heavy Industrial on the west portion of the map. Washington zoning convention allows a Heavy Industrial designation to accommodate Light Industrial uses within it, but not the reverse. Retaining the Heavy Industrial designation on the rail-served west end of this area preserves maximum flexibility for all opportunities the market may bring. While heavy industry is a welcomed addition to Adams County, the core of our industrial opportunities more closely aligns with light-industrial designation. That is, keeping this Heavy Industrial keeps our options open, and directly allows us an inventory of land that will accommodate the most likely outcome of future growth for Othello in food processing and light manufacturing.

ACDC tracks every project inquiry, regardless of size, through our Commerce project inquiry log. This has documented nearly 100 site selector inquiries received since 2021, with median requested acreage of 50 and average requested acreage of approximately 125. Five of those inquiries were food processing or beverage manufacturing projects, with only four having useful metrics, and their infrastructure requirements match this site's profile directly:

Project	Industry	Acres	Water (GPD)	Wastewater (GPD)	Rail Required
Project Moses (2022)	Food Processing	40	3,500,000	3,500,000	Yes
Project Hydra (2024)	Food Processing	70	5,000,000	1,100,000	Not specified
Project Horizon (2025)	Beverage Mfg.	25	1,690,000	530,000	Yes
Project NF Spring (2026)	Beverage Mfg.	n/a	1,690,000	660,000	Not specified

Based on Ochoa's requested change, Othello would still retain roughly 480 acres of Heavy Industrial. The retained Heavy Industrial acreage could accommodate roughly 12 median-sized prospects, or close to five large-sized ones, without ever touching the acreage recommended for conversion out of Heavy Industrial. Landing this many food processors would create meaningful strain on utilities and workforce in our area, and ACDC is working on each of these constraints currently.

Image: Retained Ochoa Proposed Heavy Industrial Ground



Why ACDC Supports the 320 Acres Carrying a Light Industrial Designation

Ochoa's request includes 240 acres rezoned from Heavy Industrial to Light Industrial transition band east of the Heavy Industrial rail-served area, which is a reasonable, well-sized allocation given that the City of Othello's prospect pipeline is in medium-footprint industry rather than true heavy industry.

In reviewing the request map, an additional 80-acre pocket appears to remain designated Heavy Industrial on the far east side of the parcel, bordering SR 17, roughly 2.0 miles from rail, disconnected from the heavy-industrial rail-served area and inconsistent with the acreage immediately around it.

I believe this is a mapping artifact rather than a deliberate planning choice, and I recommend the City treat it as such: reclassify that 80-acre pocket to Light Industrial, bringing the total Light Industrial allocation to 320 acres and eliminating an isolated designation that does not hold up under the same rail-distance and utility-capacity logic applied to the rest of the parcel.

Image: Ochoa Proposed Changes



Image: Ochoa Proposed Light Industrial Conversion from Heavy Industrial



Utility Capacity: Designation Should Match What Othello Can Serve

A Heavy Industrial designation only has value if the City can deliver the utilities a Heavy Industrial user requires. Three constraints are primary here, and all three argue for the retained-and-reclassified footprint above rather than the full 1,200 acres of Heavy Industrial.

Wastewater treatment capacity in Othello is over-prescribed under current demand, before accounting for any new Heavy Industrial user. This is one of ACDC's five named strategic priorities for the county, and it applies directly here: acreage alone does not create capacity, and any Heavy Industrial designation not backed by a credible wastewater investment plan is a designation the City cannot actually deliver on.

Natural gas service to Othello runs through the Williams Northwest Pipeline system's Othello delivery point, interconnected and served in city limits by Cascade Natural Gas. Othello sits downstream of the same line serving Bruce, which means industrial growth at Bruce could draw down available capacity in Othello. ACDC does not pit areas within Adams County against each other, in fact, ACDC fields inquiries and projects in any area with a unified team, with representatives from the City and Bruce at nearly every inquiry, regardless of which physical location they are interested in. Because of that, and because in this instance Bruce and the City of Othello are competing draws on one shared resource, that argues for planning them together rather than maximizing acreage at each location separately.

Electrical access is roughly comparable between Othello city limits and Bruce today, but Bruce has substantially more physical room for substation and transmission expansion. Over a 20-year planning horizon, that makes Bruce the more realistic location for the largest electrical loads in ACDC's inquiry process, while Othello remains well suited to the moderate loads typical of food processing and light manufacturing.

In these electrical terms, while we consider our food processing loads as small to medium electrical loads, they still require substantial and significant electrical infrastructure with multiple distribution level feeds, and in the case of some, transmission-level electrical service. Electrical demand is not a direct indicator of heavy or light industrial, but is one of several factors and attributes in each classification.

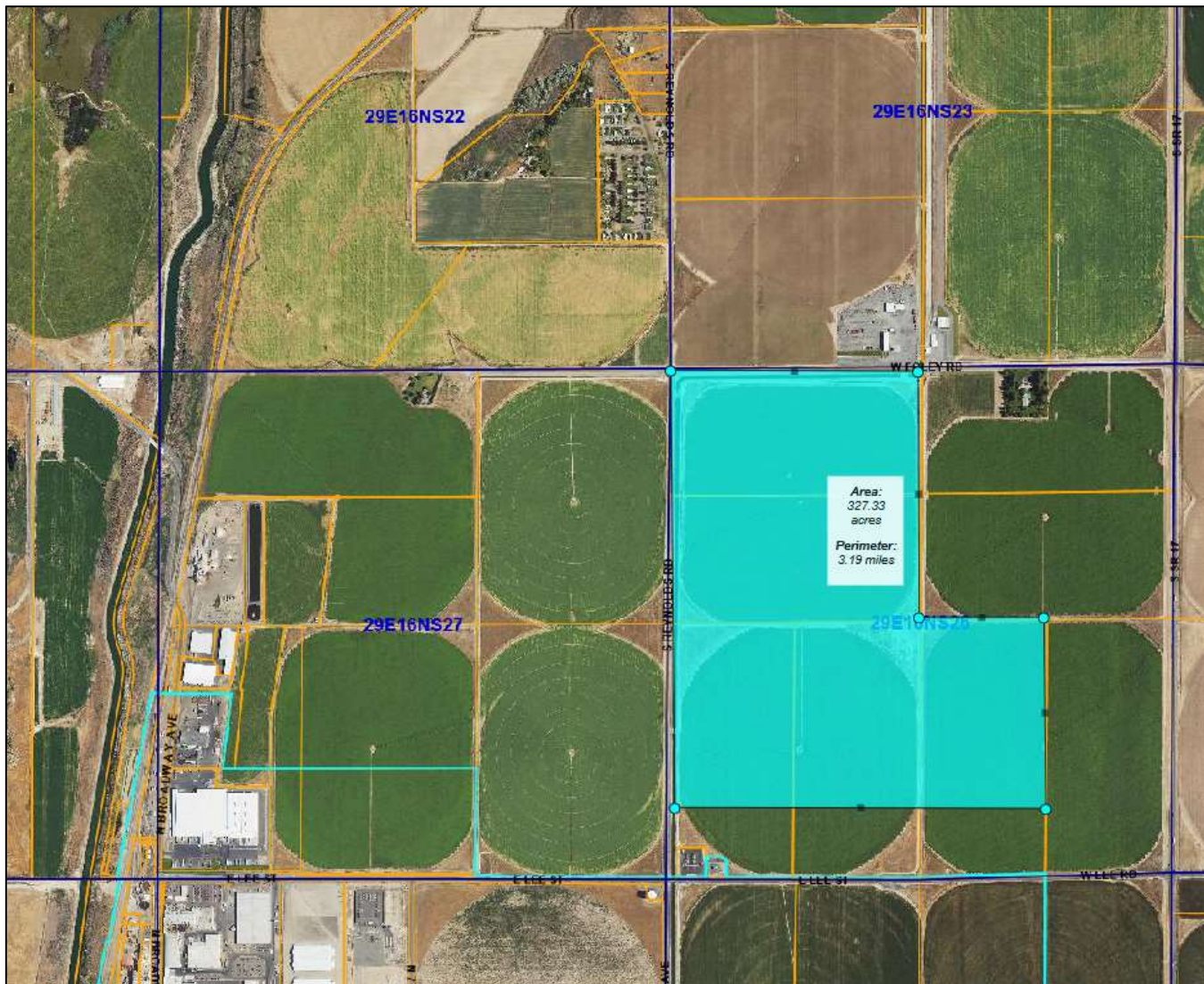
Ochoa-Proposed Residential Conversion: 335 Acres and Estimated Housing Yield

The 335 acres proposed for conversion to residential from Heavy Industrial directly addresses a need Othello has studied consistently: population growth that shows internal growth momentum to site selectors, and a housing stock that has not kept pace with demand. Using standard net-developable assumptions of roughly 78 percent of gross acreage after roads, stormwater, and open space, the yield ranges as follows depending on final lot size and residential district assignment. Using the 78% figure, the proposed 335 acres yields 261 acres of directly buildable residential ground.

Density Scenario	Units / Net Developable Acre	Net Developable Acres (~78% of 335)	Estimated Homes
Large lot (quarter-acre)	4.0	261	~1,044
Standard city lot (8,000 sf)	5.5	261	~1,435

A yield in the range of 1,000 to 1,500 homes is a direct contribution to Othello's housing stock, and it stands on its own merits independent of the industrial designation questions addressed above.

Image: Ochoa Proposed Residential Conversion in Heavy Industrial Zone



Proposed Commercial in Discussion Area

The proposed roughly 44 acre strip on the north side of Lee Road commercial makes sound arterial planning sense given the residential conversion adjacent to them, and I support this piece of the request without qualification. The same goes for the proposed roughly 80 acre commercial strip on the south of Lee Rd. mirroring that above 44-acre strip.

As Othello grows, Lee road will continue to see increased vehicle traffic as this serves as the default northern entrance into the City of Othello. Commercial activity will naturally desire to be along this section of road. As the existing residential within city limits gets built out, as well as the potential build out of the future Othello High School site, commercial services will naturally want to locate along Lee Rd.

Othello School District's 65-acre future high school site, south of Lee Road and directly east from Othello Hospital, should be surrounded by residential development consistent with the existing pattern around existing Othello School District facilities. The future school site sits approximately half a mile, 2,640 feet, south of the Lee Road corridor. The rezone to commercial and light industrial facilitates a transition to this future development site.

Image: Ochoa Proposed Commercial Conversion in Heavy Industrial Zone



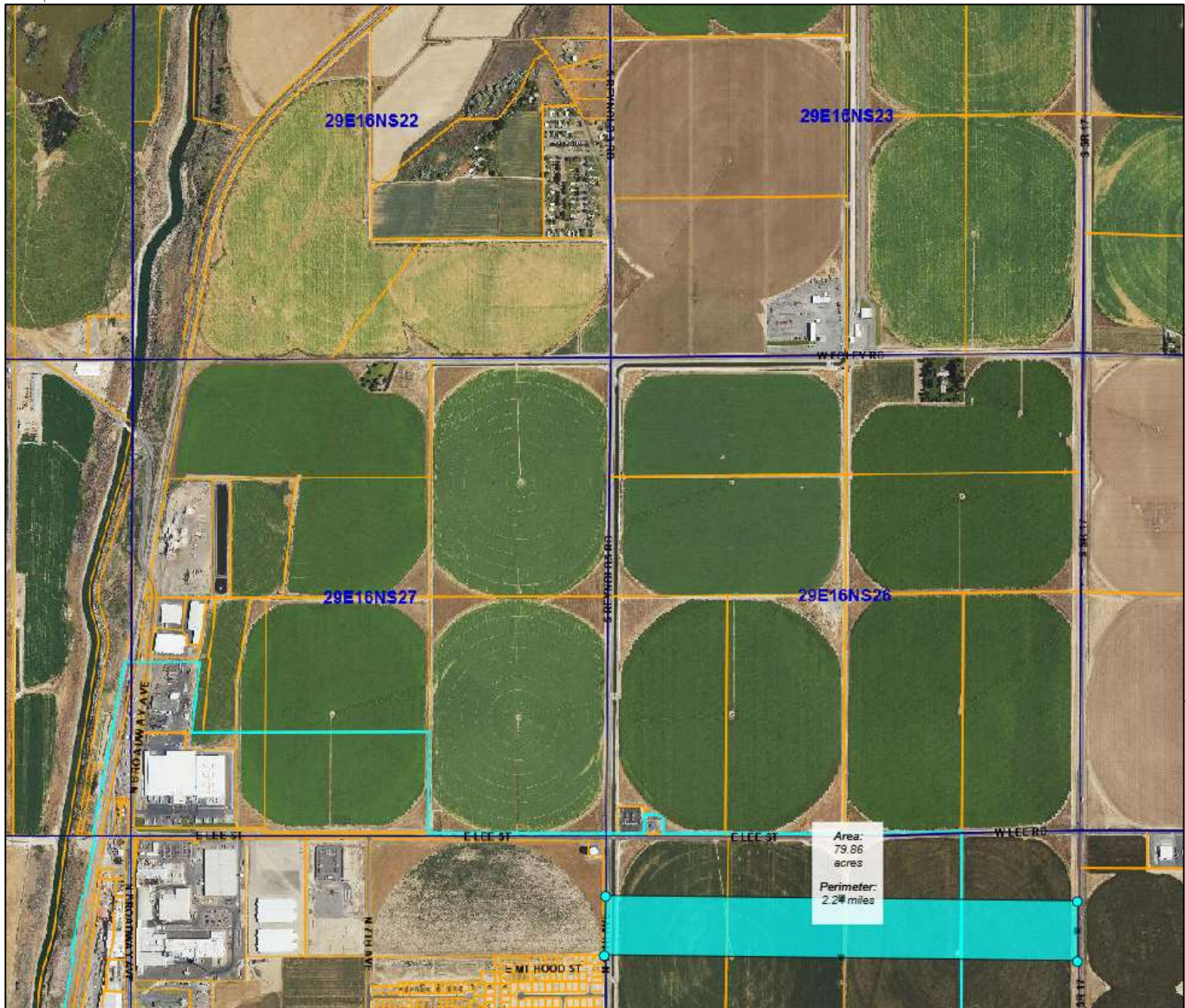
Image: Existing OSD Land in Current Residential District



Proposed South Residential in Discussion Area

The proposed roughly 80 acre strip of residential on the south side of Lee Road commercial makes planning sense given the future residential parcels to the immediate south, currently zoned Residential District 4, in the undeveloped area surrounding the future high school site. This also sits directly across the current residential buildout in Othello along 14th ave.

Image: Ochoa Proposed Residential Conversion in Current Light Industrial Zone



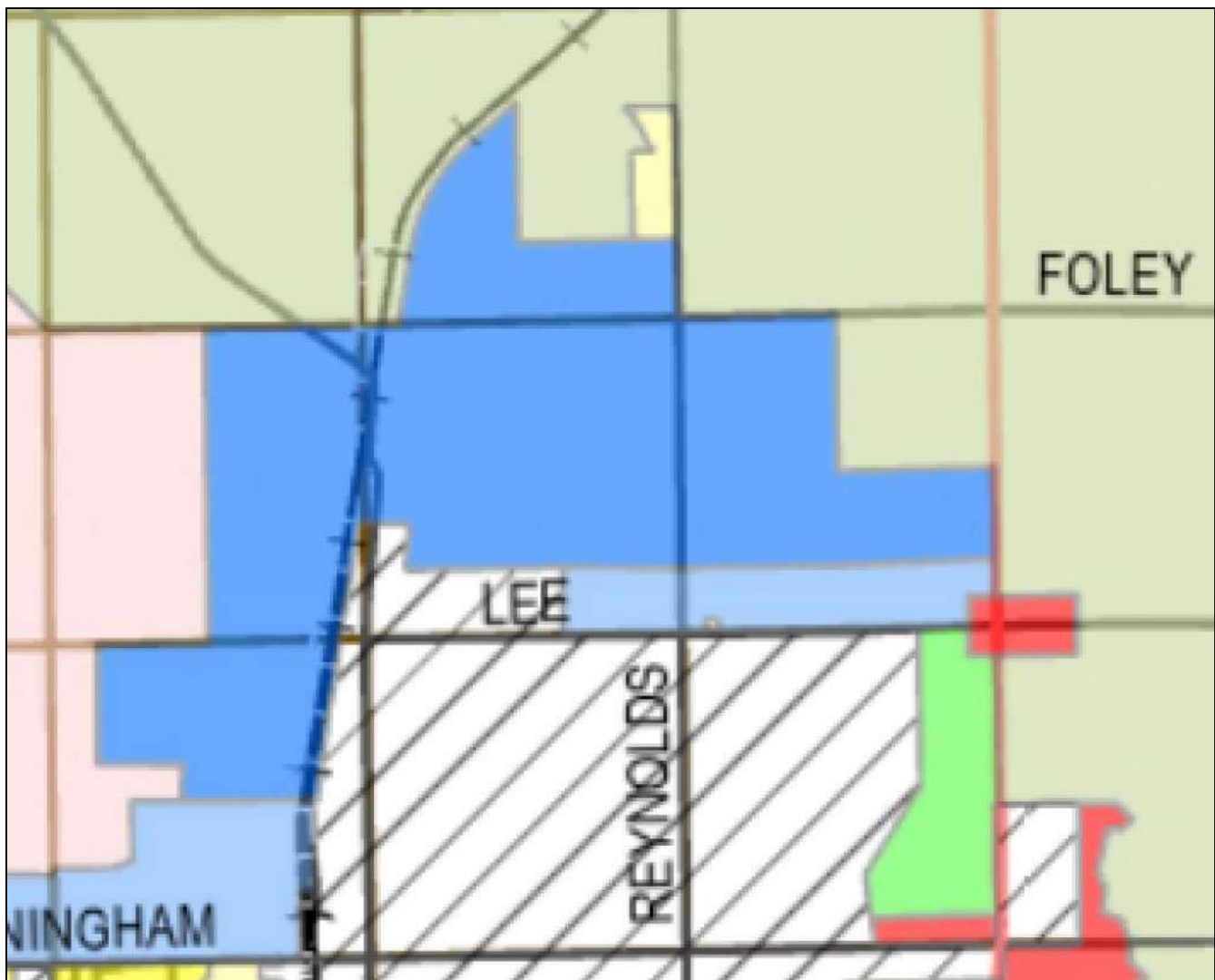
A Note on County Conformance

Adams County's Comprehensive Plan currently designates the area nearly identically to the City's map and only differentiates in one respect: the Lee Road Light Industrial strip in the County designation vs the Heavy Industrial in the city designation.

It is assumed any conversion requires action at both jurisdictions, not just the City's Future Land Use Map. I understand Terra Gold Farms intends to pursue the County process separately, and I would encourage the City and County to coordinate closely so the two maps remain consistent throughout, since state law requires the City's map to match the County's where the two cannot be reconciled.

ACDC works for all stakeholders in Adams County, and will help facilitate cross-agency collaboration when necessary.

Image: Existing Adams County Zoning In Ochoa Area



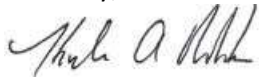
Summary Recommendation

Based on ACDC's historical data, the land use framework outlined prior and acknowledged below, which modifies portions of the Ochoa family's request, does not compete with the economic future of Othello and Adams County. Retain Heavy Industrial designation on the unchanged 480 acres along the rail-served west end. Reclassify 320 acres, including the isolated 80-acre east pocket, to Light Industrial. Support the 335-acre residential conversion and its estimated 1,000 to 1,500 unit housing yield. Support the 44-acre Lee Road commercial designation. Support the 80-acre Lee Rd (south side) commercial conversion. Support the 80-acre Lee Rd (south side, south of Commercial) residential designation to match existing future land use surrounding high school site. This approach preserves Othello's rail-served industrial core at the scale current infrastructure and documented demand actually support, while delivering the housing growth the City of Othello needs.

As a note, this document solely focuses on the north section of Heavy Industrial and the Ochoa family requests. As the City of Othello reviews its future land use areas, ACDC welcomes the opportunity to discuss areas of industrial potential not in the focal point of this document.

I am glad to walk through any of this analysis in more detail with you or with the Planning Commission directly. Please do not hesitate to call me.

Sincerely,



Kyle A. Niehenke, MBA

Executive Director, Adams County Development Council
509-398-2410 | kyle@growadamscounty.com



Local Emergency Planning Committee

2069 W Hwy 26, Othello, WA 99344

August 13, 2026
City of Othello Planning Commission
500 E. Main Street
Othello, WA 99344

RE: City of Othello Growth Management Plan

As the Adams County LEPC (Local Emergency Planning Committee) we would like to advise the City of Othello Planning Commission about grave concerns concerning their proposed future Growth Management Plan in the area north of Lee Road and the potential of a hazardous materials release that could affect the residents of the City of Othello.

- Currently the city has allowed residential building to occur within 1.4 miles (*exhibit A*) of facilities that carry hazardous materials.
- The intent of the GMP is to add more industrial buildings across the street from a highly dense residential area.
- Both the current residential and future residential neighborhoods are in line with the prevailing winds, therefore hazardous materials will flow directly towards the residents of the city.
- There have been two releases from facilities along Broadway/Hwy 24, fortunately there were no fatalities. Facility accidents are becoming more frequent (*exhibit B*) to include the incidents in Longview, Pasco, Spokane (two reported), and Moses Lake (two reported) within the past five years.

Another area of concern relating to the future Growth Management Plan is the traffic flow/congestion that would be created for Lee Road.

- Currently Lee Road is a designated Truck Route and used daily by facilities such as McCain, Lineage, Simplot, and Multi Star. These tractor trailer trucks have diminished capabilities of making sudden stops for vehicles and pedestrians wanting to cross Lee Road.
- During the re-routing of traffic for the Cunningham/Main St and Hwy 17 round-a-bout construction (early May to mid-July) there were four accidents on Lee Road (accidents that Fire District 5 reported to, several that only Law Enforcement report to), a



Local Emergency Planning Committee
2069 W Hwy 26, Othello, WA 99344

significant increase. With added traffic from residents attempting to access Lee Road and from Lee Road to Hwy 17 future accidents will inevitably increase.

- Adding residential north of Lee Road would endanger the safety of children that will come into town.

In closing, the Adams County LEPC would like to have on record that the City may have civil rights liability for subjecting its citizens to the risks identified above (*see exhibit C*). The point to be made: The Planning Commission and Council must consider the civil rights of citizens, especially citizens that move into this area, if they are knowingly exposing them to chemical and other hazards.

Sincerely,

Martin Crowley

Martin Crowley
LEPC Vice Chair

Enclosures:

- Exhibit A, copies of ERG, Hazmat Response FOG, and buffer zone map
- Exhibit B, Article-Is industry getting more or less safe?
- Exhibit C, case study/opinion

CC:

Adams County LEPC
Adams County Emergency Management
Adams County Commissioners
Adams County Building and Planning
WA SERC

Name of Material	Guide No.	ID No.	Name of Material	Guide No.	ID No.
Aluminum nitrate	140	1438	Ammonia solution, with more than 50% ammonia	125	3318
Aluminum phosphide	139	1397	Ammonium arsenate	151	1546
Aluminum phosphide pesticide	157	3048	Ammonium bifluoride, solid	154	1727
Aluminum powder, coated	170	1309	Ammonium bifluoride, solution	154	2817
Aluminum powder, pyrophoric	135	1383	Ammonium dichromate	141	1439
Aluminum powder, uncoated	138	1396	Ammonium dinitro-o-cresolate, solid	141	1843
Aluminum remelting by-products	138	3170	Ammonium dinitro-o-cresolate, solution	141	3424
Aluminum resinate	133	2715	Ammonium fluoride	154	2505
Aluminum silicon powder, uncoated	138	1398	Ammonium fluorosilicate	151	2854
Aluminum smelting by-products	138	3170	Ammonium hydrogendifluoride, solid	154	1727
Amines, flammable, corrosive, n.o.s.	132	2733	Ammonium hydrogendifluoride, solution	154	2817
Amines, liquid, corrosive, flammable, n.o.s.	132	2734	Ammonium hydrogen sulfate	154	2506
Amines, liquid, corrosive, n.o.s.	153	2735	Ammonium hydrogen sulphate	154	2506
Amines, solid, corrosive, n.o.s.	154	3259	Ammonium hydroxide, with more than 10% but not more than 35% ammonia	154	2672
2-Amino-4-chlorophenol	151	2673	Ammonium metavanadate	154	2859
2-Amino-5-diethylaminopentane	153	2946	Ammonium nitrate, liquid (hot concentrated solution)	140	2426
2-Amino-4,6-dinitrophenol, wetted with not less than 20% water	113	3317	Ammonium nitrate, with not more than 0.2% combustible substances	140	1942
2-(2-Aminoethoxy)ethanol	154	3055	Ammonium nitrate based fertilizer	140	2067
N-Aminoethylpiperazine	153	2815	Ammonium nitrate based fertilizer	140	2071
Aminophenols	152	2512	Ammonium nitrate emulsion	140	3375
Aminopyridines	153	2671	Ammonium nitrate-fuel oil mixtures	112	— —
Ammonia, anhydrous	125	1005	Ammonium nitrate gel	140	3375
Ammonia solution, with more than 10% but not more than 35% ammonia	154	2672	Ammonium nitrate suspension	140	3375
Ammonia solution, with more than 35% but not more than 50% ammonia	125	2073	Ammonium perchlorate	143	1442

GUIDE 125

GASES - TOXIC AND/OR CORROSIVE

POTENTIAL HAZARDS

HEALTH

- **TOXIC and/or CORROSIVE; may be fatal if inhaled, ingested or absorbed through skin.**
- Vapors are extremely irritating and corrosive.
- Contact with gas or liquefied gas may cause burns, severe injury and/or frostbite.
- Fire will produce irritating, corrosive and/or toxic gases.
- Runoff from fire control or dilution water may cause environmental contamination.

FIRE OR EXPLOSION

- Some may burn but none ignite readily.
- Vapors from liquefied gas are initially heavier than air and spread along ground.
- Some of these materials may react violently with water.
- Cylinders exposed to fire may vent and release toxic and/or corrosive gas through pressure relief devices.
- Containers may explode when heated.
- Ruptured cylinders may rocket.
- For UN1005: Anhydrous ammonia, at high concentrations in confined spaces, presents a flammability risk if a source of ignition is introduced.

PUBLIC SAFETY

- **CALL 911. Then call emergency response telephone number on shipping paper.** If shipping paper not available or no answer, refer to appropriate telephone number listed on the inside back cover.
- Keep unauthorized personnel away.
- Stay upwind, uphill and/or upstream.
- Many gases are heavier than air and will spread along the ground and collect in low or confined areas (sewers, basements, tanks, etc.).
- Ventilate closed spaces before entering, but only if properly trained and equipped.

PROTECTIVE CLOTHING

- Wear positive pressure self-contained breathing apparatus (SCBA).
- Wear chemical protective clothing that is specifically recommended by the manufacturer **when there is NO RISK OF FIRE.**
- Structural firefighters' protective clothing provides thermal protection **but only limited chemical protection.**

EVACUATION

Immediate precautionary measure

- Isolate spill or leak area for at least 100 meters (330 feet) in all directions.

Spill

- For **highlighted materials**: see Table 1 - Initial Isolation and Protective Action Distances.
- For non-highlighted materials: increase the immediate precautionary measure distance, in the downwind direction, as necessary.

Fire

- If tank, rail tank car or highway tank is involved in a fire, ISOLATE for 1600 meters (1 mile) in all directions; also, consider initial evacuation for 1600 meters (1 mile) in all directions.

EMERGENCY RESPONSE

FIRE**Small Fire**

- Dry chemical or CO₂.

Large Fire

- Water spray, fog or regular foam.
- If it can be done safely, move undamaged containers away from the area around the fire.
- Do not get water inside containers.
- Damaged cylinders should be handled only by specialists.

Fire Involving Tanks

- Fight fire from maximum distance or use unmanned master stream devices or monitor nozzles.
- Cool containers with flooding quantities of water until well after fire is out.
- Do not direct water at source of leak or safety devices; icing may occur.
- Withdraw immediately in case of rising sound from venting safety devices or discoloration of tank.
- ALWAYS stay away from tanks in direct contact with flames.

SPILL OR LEAK

- Do not touch or walk through spilled material.
- Stop leak if you can do it without risk.
- If possible, turn leaking containers so that gas escapes rather than liquid.
- Prevent entry into waterways, sewers, basements or confined areas.
- Do not direct water at spill or source of leak.
- Use water spray to reduce vapors or divert vapor cloud drift. Avoid allowing water runoff to contact spilled material.
- Isolate area until gas has dispersed.

FIRST AID

Refer to the "General First Aid" section.

Specific First Aid:

- In case of contact with liquefied gas, only medical personnel should attempt thawing frosted parts.
- In case of skin contact with hydrogen fluoride, anhydrous (UN1052), if calcium gluconate gel is available, rinse 5 minutes, then apply gel. Otherwise, continue rinsing until medical treatment is available.



In Canada, an Emergency Response Assistance Plan (ERAP) may be required for this product. Please consult the shipping paper and/or the "ERAP" section.

HAZMAT

A FIELD OPERATION GUIDE: FOG

RESPONSE

Adams County
Emergency Management

Jeffrey Zientek

2
EDITION

CHEMICAL OVERVIEW | 84

Name/Compound/Identifiers	Characteristics	Properties	Initial Isolation	
Ammonia (NH₃) Compound of nitrogen and hydrogen. Commonly called anhydrous ammonia (absence of water—seeks water) <i>Synonyms:</i> anhydrous ammonia; aqueous ammonia IDLH 300 PPM DOT 1005 CAS 7664-91-7	- Colorless gas that is lighter than air. Miscible with water. - Pungent suffocating odor. - Ammonia does not burn readily or sustain combustion, except under narrow fuel-to-air mixtures of 15 to 25 percent air. When mixed with oxygen, it burns with a pale yellowish-green flame. - At high temperature and in the presence of a suitable catalyst, ammonia is decomposed into its constituent elements. Ignition occurs when chlorine is passed into ammonia, forming nitrogen and hydrogen chloride; if ammonia is present in excess, then the highly explosive nitrogen trichloride (NCl₃) is also formed.	MW: 17.0 BP: -28°F Sol: 34% Fl.Pt: NA (gas) IP: 10.18 eV RGasD: 0.60 VP: 8.5 atm UEL: 28% LEL: 15%	Small Spills <200 L 100' – all directions Protect downwind Day: 0.1 mile Night: 0.1 mile Large Spills >200 L 500' – all directions Protect downwind Day: 0.5 mile Night: 1.4 mile	
Calcium Carbide (CaC₂) Mainly used for the production of acetylene, and is also used in the steel-making industry. <i>Synonyms:</i> acetylenogen; calcium acetylide carbide IDLH N.D. DOT 1402 CAS 7-20-7	- Can be black to grayish-white crystals. - On contact with water or in damp surroundings, easily flammable gaseous acetylene is formed and explosive atmospheres can be produced. - Do not use water or foam. - May react vigorously with oxidizing material. - Considered a carcinogen.	MW: 64.10 BP: N/A Sol: Reacts with water Fl.Pt: N/A IP: — Sp Gr: 2.2 VP: 0 mm Hg UEL: N/A LEL: N/A	Large spills – isolate immediately for at least 160' to 330' in all directions Fire – if rail or tank car involved, isolate for ½ mile (800 m) in all directions.	

Is industry getting more or less safe?



BY PHILLIP BROADWITH | 14 JULY 2026

As we look at the impact and legacy of incidents, ranging from the Seveso disaster five decades ago to more recent deadly incidents, it's clear that while significant progress has been made in safety culture and regulation, the inherently hazardous nature of many chemical processes means that we are still seeing regular incidents leading to injuries and deaths of plant workers.

US non-profit organisation Peer (Public Employees for Environmental Responsibility) has highlighted the number of serious chemical incidents across the US in recent years, aiming to stress the risks attached to the US government's proposals to reduce incident prevention requirements. Peer also emphasises the important role of the US Chemical Safety and Hazard Investigation Board (CSB), which president Donald Trump's administration is trying to eliminate.

Peer's analysis is based on the CSB's public reporting of serious incidents, with figures available since 2021. Peer says the data show a 50% overall increase in incidents between 2021 and 2025 (83 to 133 incidents), with a 20% increase in incidents involving injuries or fatalities from 2024 to 2025. However, a more comprehensive look into that same dataset provides a more nuanced picture.

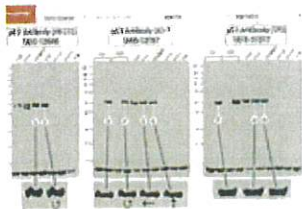
Year	Incidents	With fatality	With serious injury
2021	83	17	52
2022	108	8	56
2023	122	19	63
2024	110	22	62
2025	133	22	77
2026 (to 1 June)	56	8	26

As might be expected, overall incident numbers show significant variability, rather than an abrupt jump last year. However, even in this relatively short timescale there does appear to be an upward trend – both in the overall number of incidents, as well as the number that involve serious injuries and fatalities.

Identifying the cause of such an increase is very difficult. The impact of regulatory changes tends not to become visible until years after they are implemented. Meanwhile, there are many other factors putting pressure on safety, such as competitive pressures across the global industry leading to lower investment, and climate change leading to increased risks from events like hurricanes and periods of extreme heat or cold weather, for which plants are not properly prepared.

However, given that the frequency of severe and deadly incidents is certainly not decreasing, one thing is clear: now is not the time to be relaxing safety regulations and dismantling the mechanisms that allow companies to understand the causes of incidents across the industry and learn from them.

MORE PHILLIP BROADWITH



Trust is easily broken and hard to rebuild



An update on the Strait of Hormuz & potential explosives at an Antarctic base

Should the EU stop exports of pesticides it has banned?

**United States Court of Appeals
for the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

April 9, 2025

Lyle W. Cayce
Clerk

No. 23-30908

INCLUSIVE LOUISIANA, *by and through their members*; MOUNT
TRIUMPH BAPTIST CHURCH, *by and through their members*; RISE ST.
JAMES, *by and through their members*,

Plaintiffs—Appellants,

versus

ST. JAMES PARISH; ST. JAMES PARISH COUNCIL; ST. JAMES
PARISH PLANNING COMMISSION,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:23-CV-987

Before HIGGINBOTHAM, STEWART, and HAYNES, *Circuit Judges*.

CARL E. STEWART, *Circuit Judge*:

Appellants, two faith- and community-based organizations and a church located in St. James Parish, Louisiana (“the Organizations”), sued St. James Parish, St. James Parish Council, and the St. James Parish Planning Commission (collectively, “the Parish”) bringing seven claims for violations of their constitutional and statutory civil rights. The Organizations alleged that the Parish discriminates against them by directing hazardous industrial

No. 23-30908

facility development towards majority-Black districts and Black churches, where their members and congregants live. They further argued that the Parish authorizes industrial development that desecrates, destroys, and restricts access to the cemeteries of their enslaved ancestors. The district court dismissed each claim. For the reasons stated below, we REVERSE the district court's dismissal and REMAND for further proceedings consistent with this opinion.

I.

A. Factual Background

The Organizations in this case represent communities in St. James Parish, Louisiana, located within an 80-mile stretch of land colloquially referred to as "Cancer Alley."¹ Inclusive Louisiana is a nonprofit, faith-based, grassroots community advocacy organization that aims to protect St. James Parish from environmental harm. Mount Triumph Baptist Church is a local congregation in St. James Parish. RISE St. James is a faith-based grassroots organization advocating for the end of petrochemical industries in St. James Parish. These Organizations claim that their members are residents of St. James Parish and descendants of individuals formerly enslaved within the Parish.

St. James Parish is divided into numbered districts. Most residents in the Fourth and Fifth Districts are Black.² Most residents in the Third and

¹ Because this appeal involves review of a motion to dismiss under Federal Rule of Civil Procedure 12(b), the facts presented herein are as alleged by the Organizations. See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

² In 2010, the Fourth District was 61% Black, and the Fifth District was 87% Black. In 2020, the Fourth District was 52% Black, and the Fifth District was 89% Black.

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Seventh Districts are White.³ St. James Parish is also home to nearly two dozen large industrial facilities. The Parish has chosen to allow twenty of these industrial facilities in the majority-Black Fourth and Fifth Districts, whereas no new industrial facilities have been permitted to locate in the majority-White parts of the Parish in the last 46 years. The Fifth District—the district with the highest percentage of Black residents—has the highest rate of industrialization within St. James Parish. By contrast, the Third District, the district with the highest percentage of White residents, has the lowest rate of industrialization.

Notwithstanding pushback from residents, the Parish has granted every single request by corporations to locate their heavy industrial facilities in majority-Black districts in the Parish, while rejecting requests to locate those facilities in or near majority-White districts. In 2014, the Parish adopted a land use plan (“The Land Use Plan”), amended in 2018, designating large swaths of the Fourth and Fifth Districts as “Industrial” despite heavy residential concentration in those districts. The Land Use Plan also set out buffer zones protecting Catholic churches, schools, and tourist plantations from heavy industrial development in the White areas of the Parish, while providing no comparable buffer zone protection for Black churches and schools. The Organizations believe that The Land Use Plan “was . . . further evidence of the continuing racially discriminatory land use patterns and practices that already existed in St. James Parish” and “added even more methods of discriminating against Black residents and depriving them of their rights to equal protection of the laws, and nondiscrimination in the use and enjoyment of their property on equal terms of white citizens.” The Organizations argue that the Parish’s “land use decisions have been

³ In 2020, the Third District and Seventh Districts were 84% White and 64% White, respectively.

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made in a religiously discriminatory manner that burdens Black Baptist Churches but spares [W]hite Catholic churches.” They further argue that the Parish’s history of “racialized land use practices” has spawned several heavy industry facilities in their communities.

These facilities spew an array of highly dangerous air pollutants, including: particulate matter, ethylene oxide, benzene, formaldehyde, asbestos, styrene, toluene, ethyl benzene, ammonia, chlorine, ethyl dichloride, hydrogen sulfide, nitrogen dioxide, sulfur dioxide, carbon monoxide, and volatile organic chemicals. Data from the EPA shows that the majority-Black Fifth District ranks in the 89th percentile in Louisiana and the 95th-100th percentile nationwide for “Air Toxic Cancer Risk,” which is defined as the risk of developing cancer from exposure to toxic air pollution, and in the 90th percentile statewide for “Air Toxic Respiratory Hazard.” The neighboring majority-White Third District, by contrast, ranks in the 34th percentile for Air Toxic Cancer Risk and in the 20th percentile for “Air Toxics Respiratory Risks” statewide.⁴

The pollutants generated by the industrial facilities within St. James Parish pose severe health risks, including respiratory and cardiovascular disease, brain damage, lung and tissue damage, increased risk of death from COVID-19, and various forms of cancer. The Organizations cite studies showing that the elevated risk of cancer from air pollution is linked to higher cancer incidence among Black communities across Louisiana, including one analysis that they believe estimates that toxic air pollution contributed to 850 additional cancer cases among disproportionately Black and impoverished communities in Louisiana over the past decade. The Organizations allege

⁴ The Organizations do not define the terms “Air Toxic Respiratory Hazard” and “Air Toxics Respiratory Risks.”

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that their members have suffered health impacts and several dozen deaths due to the presence of the industrial facilities within their community.

Myrtle Felton, a founding member of Inclusive Louisiana, lives between two heavy industry facilities and less than two miles from a massive radioactive, highly acidic waste lake. She lost her husband and three immediate family members to cancer within three months in 2014. Another founding member of Inclusive Louisiana, Gail LeBoeuf, lives one mile from a heavy industrial alumina plant. She was diagnosed with cancer in December 2022. RISE founding member, Sharon Lavigne, lives within the heavily industrialized Fifth District. She has several friends and neighbors who have cancer or have died from it and has been to many funerals of people within the Parish who lost their battle with cancer. Pastor Harry Joseph of Mount Triumph has witnessed cancer and other pollution-related illnesses plague residents and congregants of his church. The church is surrounded by oil tank farms, with one petroleum storage facility located within 200 yards. In June 2017, Pastor Joseph publicly shared that he “buried five residents in the past six months, all victims of cancer.”

In addition to these severe health risks, the Organizations allege that the siting of industrial facilities—authorized by the Parish’s land use practices—decreases the property values of their members’ homes and restricts their ability to inherit, purchase, lease, sell, hold, and convey real and personal property. They allege that the Parish’s land practices are discriminatory and are used to “intentionally continue to deplete property values of Black residents while protecting that of [W]hite residents.” They further allege that the Parish’s conduct has resulted in “diminution in the value of property owned by [the Organizations], their members and congregants . . . and by other Black residents, churches, and associations in the [Fourth] and [Fifth] Districts of St. James Parish.” Both Felton and Barbara Washington, founding members of Inclusive Louisiana, assert that

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the location of industrial facilities near their homes has affected their property values and made it such that they cannot afford to relocate, especially to homes with similar accommodations and family history. In the fall of 2019, LeBoeuf, a founding member of Inclusive Louisiana, and Lavigne, a founding member of RISE, sent a letter to their council members in the Fourth and Fifth Districts, respectively, requesting that they put the issue of a moratorium on the siting of new petrochemical facilities and expansions of existing facilities on the St. James Parish Council's (the "Council") agenda. They requested this moratorium because of "the alarming rates of cancer and other illnesses associated with pollution from area industry and depreciation of *their* property values." The Council ignored their request.

In addition to their health and property injuries, the Organizations allege that they have suffered religious injuries because of the Parish's land use practices. Those injuries stem from the alleged facts that (1) the Parish permits heavy industry development near Baptist and majority-Black churches, but not Catholic and majority-White churches, and (2) industrial facilities within the Parish have been built, or proposed to be built, on former plantations and cemeteries housing the remains of the Organizations' enslaved ancestors. The Organizations explain that many of these cemeteries are unmarked because when adults and children died during their enslavement, they were typically buried in unmarked cemeteries—usually at the back end of the plantation. Nonetheless, the Organizations have worked with archaeologists who, using cartographic regression analyses, have identified some of the hundreds of cemeteries of enslaved people in St. James Parish. Additionally, Louisiana's chief archaeologist, Dr. Chip McGimsey, has stated "with almost 100% certainty" that there is "going to be a slave cemetery" on "every plantation that existed." These archaeological investigations support the Organizations' allegations that the Parish's land

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use decisions and practices have led to the desecration and destruction of ancestral burial sites. The Organizations argue that the desecration, destruction, and inaccessibility of these cemeteries limits their religious exercise because it precludes not only their ability to access and visit, but also to recover, consecrate, and commemorate ancestral cemeteries known to exist within the Parish.

B. Procedural History

On March 21, 2023, the Organizations sued the Parish. In their Amended Complaint, the Organizations first laid out the extensive history of chattel slavery, segregation, Jim Crow, and racialized land use practices in St. James Parish and throughout the American South—arguing that this background provides context for their claims. The Organizations then recounted the introduction and proliferation of heavy industry within St. James Parish, depicting how the disproportionate impacts of heavy industry on Black communities within the Parish became increasingly clear in the 1980s and 1990s. The Organizations then outlined instances in the late 1990s and early 2000s where plans to build heavy industry facilities within St. James Parish were supported by the Parish but opposed by the minority communities living where those facilities would be built. The Organizations then described the adoption of The Land Use Plan in 2014, alleging that it was “facially discriminatory” and adopted to protect the interests of White residents in the Parish. Throughout the Amended Complaint, the Organizations outlined several instances of allegedly discriminatory land use practices by the Parish, some of which predate The Land Use Plan, some of which were consistent with the plan, and some of which were contrary to or independent of the plan.

With that foundation laid, the Organizations brought seven claims against the Parish for violating their constitutional and statutory civil rights. They labelled those claims as follows: (I) violation of the Thirteenth

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Amendment (badge or incident of slavery), (II) violation of the Fourteenth Amendment (equal protection), (III) violation of the Fourteenth Amendment (substantive due process/bodily integrity), (IV) violation of 42 U.S.C. § 1982 (property rights), (V) violation of 42 U.S.C. § 2000cc, Religious Land Use and Institutionalized Persons Act (“RLUIPA”) (substantial burden), (VI) violation of 42 U.S.C. §2000cc, RLUIPA (discrimination), and (VII) violation of Article XII Section 4 the Louisiana Constitution: the “Preservation of Linguistic and Cultural Origins” provision.

The Organizations seek various forms of nonmonetary relief against the Parish for the alleged violations, including but not limited to (1) a declaratory judgment declaring the Parish’s policies, patterns, and customs of discriminatory land use as violative of the Organizations rights, (2) a judgment declaring invalid those provisions of the Land Use Plan that direct industrial development to the majority Black Fourth and Fifth Districts, (3) injunctive relief enjoining the Parish from siting more industrial facilities in the Fourth and Fifth District, and (4) injunctive relief enjoining the Parish “from continuing all policies, pattern and practices, and/or customs pertaining to the racially and religiously discriminatory land use system.”

The district court dismissed the Organizations’ claims with prejudice.⁵ First, the district court held that (1) no appellants had standing to

⁵ The district court also granted the Parish’s motion to dismiss defendants St. James Parish Council and St. James Parish Planning Commission on the basis that they function as branches of the parish government and are not additional or separate governmental units with the power to sue or be sued. The Organizations considered those defendants to be “nominal defendants” and do not appeal the district court’s ruling on that issue. Thus, this court need not address that aspect of the district court’s ruling. For simplicity, however, we continue to use the term “the Parish” to describe the sole remaining defendant: St. James Parish.

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sue for injuries related to unequal treatment, (2) only Inclusive Louisiana had standing to sue for property injuries, and (3) all appellants had standing to sue for health-related injuries. Second, the district court dismissed Claims V and VII with prejudice on the basis that the Organizations failed to sufficiently allege religious injury standing, holding that the inaccessibility of cemeteries where the Organizations' members' ancestors are buried is due to third parties, and thus the Organizations' alleged religious injuries are not fairly traceable to the Parish. Third, and most notably, the district court dismissed Claims I-IV and VI for failure to state a claim under Rule 12(b)(6), holding that those claims were based on a single discrete incident in the past—the Parish's adoption of The Land Use Plan in 2014—and thus, were time barred. The Organizations filed a timely notice of appeal.

II.

On appeal, the Organizations raise four arguments. First, they argue that the district court erred in dismissing Claims I-IV and VI for failure to state a claim on statute of limitations grounds. Second, they argue that the district court erred in dismissing Claims V and VII with prejudice on the basis that the Organizations lack standing to assert religious injuries. Third, they argue that the district court erred in concluding that two appellants, Mount Triumph and RISE, did not sufficiently establish standing based on their property related injuries. And fourth, they argue that the district court erred in concluding that the Organizations failed to sufficiently allege standing based on stigmatic harm. We address each of these arguments in turn.

We review “a district court’s ruling on a motion to dismiss *de novo*.” *Dyer v. Houston*, 964 F.3d 374, 379 (5th Cir. 2020) (quoting *Anderson v. Valdez*, 845 F.3d 580, 589 (5th Cir. 2016)). “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Iqbal*, 556 U.S. at 678 (quoting

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Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* A Rule 12(b)(1) motion to dismiss challenges the subject-matter jurisdiction of the federal court. *See* FED. R. CIV. P. 12(b)(1). A district court’s determination of subject-matter jurisdiction is generally reviewed *de novo*. *Williams v. Wynne*, 533 F.3d 360, 364–65 (5th Cir. 2008). Plaintiffs bear the burden of establishing subject-matter jurisdiction. *Castro v. United States*, 560 F.3d 381, 386 (5th Cir. 2009), *vacated on other grounds*, 608 F.3d 266 (5th Cir. 2010).

III.

A. Claims I-IV and VI

The Organizations argue that the district court erred in dismissing Claims I-IV and VI for failure to state a claim on statute of limitations grounds. We agree. Accepting the facts pleaded by the Organizations as true, the district court appears to have inaccurately concluded that the Organizations’ alleged injuries stem from a single incident outside of the applicable limitations periods.

The Organizations do not contest the district court’s holding that their claims under 42 U.S.C. § 1983 (Claim I: Thirteenth Amendment & Claims II/III: Fourteenth Amendment) and § 1982 (Claim IV) are subject to a one-year statute of limitations period. Similarly, the Organizations do not contest the district court’s holding that their claim under RLUIPA’s non-discrimination clause (Claim VI) is subject to a four-year limitations period. Instead, the Organizations disagree with the district court’s finding that the Organizations’ claims are “at their core . . . based on one discrete action by [the Parish]: the adoption in 2014 of the Land Use Plan.” The Organizations argue that their claims instead challenge a “longstanding

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pattern and practice of racially discriminatory land use decisions” where “at least one act in this pattern and practice occurred within the limitations period.”⁶ They are correct.

“[S]tatute of limitations begins to run at the time *the plaintiff* has the right to apply to the court for relief.” *Corner Post, Inc. v. Bd. of Governors of Fed. Rsrp. Sys.*, 603 U.S. 799, 817 (2024) (emphasis in original and internal quotation marks omitted). When a plaintiff alleges discrimination based on a defendant’s single act, “the statute begins to run at the time of the act.” *Perex v. Laredo Junior Coll.*, 706 F.2d 731, 733 (5th Cir. 1983). Here, the Organizations filed their Original Complaint against the Parish on March 21, 2023, alleging discrimination based on several acts by the Parish. Thus, their claims are not barred by the statute of limitations so long as those claims are supported by acts that occurred within one year of that date for Claims I-IV and within four years of that date for Claim VI.

As to Claims I-IV, the Organizations argue that they pleaded two acts occurring within the one-year limitation period that demonstrate the Parish’s discriminatory land use practices: (1) the Parish’s decision on August 17, 2022, to reject the Organizations’ request for a moratorium on “polluting industry” in their majority-Black communities, and (2) the Parish’s

⁶ The Organizations also argue that their claims regarding the Parish’s discriminatory land use decisions satisfy the statute of limitations through the “continuing violations doctrine.” *Pegram v. Honeywell, Inc.*, 361 F.3d 272, 279 (5th Cir. 2004), *abrogated on other grounds by Hamilton v. Dallas Cnty.*, 79 F.4th 494 (5th Cir. 2023) (“The continuing violations doctrine is equitable in nature and extends the limitations period on otherwise time barred claims only when the unlawful . . . practice manifests itself over time, rather than as a series of discrete acts.”). The Supreme Court has emphasized that equitable doctrines, like the continuing violations doctrine, should be invoked “sparingly.” See *Texas v. United States*, 891 F.3d 553, 562 (5th Cir. 2018) (citing *Nat’l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 113 (2002)). Because the Organizations allege acts within the applicable limitations periods for each of their claims, the statute of limitations does not bar suit for those claims. Thus, we need not assess the applicability of the continuing violations doctrine.

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simultaneous grant of White residents' request for a moratorium on the solar industry. While it is unclear at this pleading stage whether these alleged incidents of discrimination can ultimately prove a violation of the Organizations' constitutional or statutory rights, as alleged they plainly fall within the applicable one-year limitations period.

As to Claim VI, the Organizations argue that they pleaded that at least two acts related to their RLUIPA discrimination claim occurred within the four-year limitation period: (1) in May 2019, the Parish approved a land use permit for Wanhua Chemical US Operations ("Wanhua") to build a polyurethane manufacturing facility on a former plantation within one mile of the Organizations and a historically majority-Black Baptist Church, and (2) in May 2019, the Parish affirmed the approval of Syngas Energy Holding, LLC's ("Syngas") proposal to build a methanol production plant in the Fifth District near Mount Triumph. Again, these allegedly discriminatory acts plainly fall within the applicable statute of limitations period.

Notwithstanding these punctual allegations, the Parish argues that the Organizations' claims are time-barred because their alleged injuries stem solely from the Parish's 2014 Land Use Plan. That argument fails for two reasons.

First, the Parish is incorrect that all of the Organizations' alleged injuries stem from The Land Use Plan. The Organizations' Amended Complaint is replete with allegations of discriminatory land use decisions. The Organizations allege the following:

- In 1966, Parish officials met with officials of Freeport Sulphur Co. to discuss plans to develop a phosphoric acid complex in the majority-Black Fourth District, on a former plantation. That complex is now the site of a "massive radioactive, highly acidic waste lake."

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- In 1996, the Parish, through its president, encouraged Shintech Steel to build a poly-vinyl chloride plant in a heavily-polluted area where 95% of people living nearby were Black.
- In 2003, the Parish was criticized by the EPA for failing to identify environmental justice as a priority. The EPA recommended that the Parish “acknowledg[e] that all citizens should receive fair treatment and have opportunities for meaningful involvement in processes that affect their health and welfare.”
- In 2011, the Parish continued to encourage industrial development, including development by Nucor Steel—flagged by the EPA as a high priority Clean Air Act violator—in the majority-Black Fourth District.
- In 2013, the Parish passed a resolution opposing the proposed site for a crude oil terminal project (the “Wolverine Project”) in the 84% White Third District.
- In April 2014, The Parish adopted The Land Use Plan.
- On April 23, 2014, the Parish approved South Louisiana Methanol’s (“SLM”) plans to build a methanol plant in the Parish’s majority-Black Fifth District, within a mile of Mount Triumph Baptist Church.
- In December 2014, the Parish used the 2014 Land Use Plan to prevent the construction of a petroleum tank farm (“Petroplex”), part of which would be located in 64% White South Vacherie (located in the Sixth District).
- On March 25, 2015, the Parish approved the land use application of Yuhuang Chemical Industries Inc. (“Yuhuang”) to build a plant. This approval “*directly conflicted* with the Land Use Plan because the property was in an area that was designated for residential growth, not industrial development, and because the construction of the plant would be within two miles of—in fact directly on top of—a high school.”
- In August 2017, the Parish approved the land use application of Bayou Bridge Pipeline LLC to build a pipeline with an end-point near Mount Triumph Baptist Church and several churches, cemeteries, and residential neighborhoods in the Fifth District.

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- In 2018, the Parish amended the 2014 Land Use Plan and thereby expanded the area designated for industrial development in the majority-Black Fifth District by encroaching on an area that in 2014 was designated for residential growth (an area that included St. James High School).
- In May 2018, the Parish permitted SLM to purchase land in the majority Black Fifth District even though the 2018 amendments to the Land Use Plan changed that land's designation from "future industrial" to "residential growth." The Parish treated SLM's project as "grandfathered" in under the 2014 Land Use Plan, even though SLM had yet to purchase the property. This treatment was in contrast to the way the Parish treated the Wolverine Project, which was proposed to be built in the 84% white majority Third District.
- In 2018, the Parish approved a land use application by Wanhua, which sought to operate in the majority-Black Fourth District, even though it failed to include information required by the Parish's 2018 amended land use regulations about public establishments, parks, playgrounds, churches, schools and community centers within the Project's two-mile impact area.
- In August 2018, the Parish approved the land use application of Ergon St. James Inc. ("Ergon") for an expansion of its crude oil terminal and tank farm located just 500 feet from Mount Triumph Baptist Church near the historic community of Freetown, and on the site of a former plantation. The approval "*directly conflicted* with the Land Use Plan, both under the 2014 Plan and as amended in 2018, because the property is in an area that is designated for agricultural use."
- On January 24, 2019, the Parish approved Formosa Plastics's land use application to build a 2,400-acre chemical manufacturing complex located in the majority-Black Fifth District, on the sites of former plantations despite being notified that Formosa made a series of misrepresentations in its application about measures it took to mitigate harm to a nearby elementary school and church in the majority-Black Fifth District.
- On March 24, 2019, the Parish approved Syngas Energy Holding, LLC's ("Syngas") proposal to build a methanol production plant in St. James Parish, likely on site of a former plantation, even though

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Syngas failed to include information required by the Parish's 2018 amended land use regulations about public establishments, parks, playgrounds, churches, schools and community centers within the project's two-mile impact area.

- On August 17, 2022, the Parish rejected the Organizations' request for a moratorium on "polluting industry" in their majority-Black communities.
- On August 17, 2022, the Parish amended the Land Use Plan to enact a moratorium on solar farms at the request of residents in the majority-White part of the Parish. This amendment occurred after solar power companies proposed two large-scale solar power farms near the majority-White South Vacherie, located in the Sixth district.

As discussed, some of these decisions appear to have been consistent with The Land Use Plan; but many were not. The Organizations pleaded allegations of the Parish's discriminatory land use decisions that predate the 2014 Land Use Plan. The Organizations also pleaded allegations of the Parish's discrimination that were independent of the plan—such as their allegations regarding moratorium requests. Further, the Organizations alleged that the Parish made discriminatory land use decisions that were directly contrary to The Land Use Plan.⁷ For these reasons, the Organizations allege that The Land Use Plan was merely "further evidence of the continuing racially discriminatory land use patterns and practices that already existed in St. James Parish" and "added even more methods of discriminating against Black residents and depriving them of their rights to equal protection of the laws, and nondiscrimination in the use and enjoyment of their property on equal terms of [W]hite citizens."

⁷ As discussed, the Organizations allege that the Parish approved applications by Ergon, Yuhuang, Wanhua, and Syngas despite the fact that those applications failed to include information required by the Parish's land use regulations.

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Second, even if the Parish is correct that the Organizations' allegations are all downstream of The Land Use Plan, that does not end our inquiry. Crucially, The Land Use Plan is not self-implementing. *See* LA. CONST. art. VI, § 17 (distinguishing, in separate clauses, between the abilities of municipalities to "(1) adopt regulations for land use zoning," and "(2) . . . implement those regulations"). Individual land use applications each require a distinct approval or rejection process. In this way, The Land Use Plan is merely a playbook for the Parish—its contents sketch out a general game plan for land use that the Parish aims to execute. Indeed, the Parish does not cite any case supporting the proposition that once a municipality's land use plan is beyond the statute of limitations, any claims arising from that municipality's individual land use decisions are time barred, regardless of when those decisions were made.

In sum, because the Organizations allege discriminatory acts that fall within the applicable limitations periods, their claims are not time barred. *See Perez*, 706 F.2d at 733. Thus, we hold that the district court erred in dismissing Claims I-IV and VI for failure to state a claim on statute of limitations grounds.⁸

B. Claims V and VII

The Organizations argue that the district court erred in dismissing Claim V (RLUIPA's Substantial Burdens Clause) and Claim VII (LA. CONST. art. XII, § 4.) for lack of standing. We agree.

⁸ The Parish provides alternative arguments in support of dismissal of Claims I-IV and VI. But none of those reasons were addressed by the district court. *Man Roland, Inc. v. Kreitz Motor Exp., Inc.*, 438 F.3d 476, 483 (5th Cir. 2006) (holding that, absent special circumstances that are inapplicable here, this court does not consider issues passed over by a district court). Thus, we decline to consider these alternative arguments and leave them for the district court to consider in the first instance.

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To establish standing, plaintiffs must plead a concrete injury that is fairly traceable to the challenged conduct of the defendant and likely to be redressed by a favorable judicial decision.⁹ See *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016), *as revised* (May 24, 2016); *Croft v. Governor of Texas*, 562 F.3d 735, 745 (5th Cir. 2009). So long as “[d]efendants significantly contributed to the [p]laintiffs’ alleged injuries, [p]laintiffs have satisfied the requirement of traceability.” *K.P. v. LeBlanc*, 627 F.3d 115, 123 (5th Cir. 2010). Indeed, to show traceability, there must merely be “a causal connection between the plaintiff’s injury and the defendant’s challenged conduct.” *Inclusive Cmty. Project, Inc. v. Dep’t of Treasury*, 946 F.3d 649, 655 (5th Cir. 2019). That connection is present here.

The district court concluded that the Organizations’ alleged injuries stem solely from their inability to physically access the cemeteries of their enslaved ancestors. In the district court’s view, because private parties—not the Parish—control whether the Organizations may access the cemeteries, the injuries alleged by the Organizations are not fairly traceable to the Parish. Critically, however, the Organizations’ Amended Complaint demonstrates that their alleged injuries for Claims V and VII go beyond a lack of physical access to their ancestors’ cemeteries.

⁹ We also note that in cases like this where the plaintiffs are organizations suing on behalf of their members, the organization must demonstrate that: “(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Hunt v. Washington State Apple Advertising Comm’n*, 432 U.S. 333, 343 (1977). An organization is not required to specifically name its members to allege that those members have standing to sue. See *Nat’l Infusion Ctr. Ass’n v. Becerra*, 116 F.4th 488, 497 n.5 (5th Cir. 2024).

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The Organizations explicitly allege religious, cultural, and aesthetic injuries which form the basis for Claims V and VII. These injuries include the alleged desecration, destruction, and inaccessibility of their ancestors' cemeteries by and through the Parish's land use practices. The Organizations argue that the Parish's conduct limits their religious exercise because it precludes their ability to locate, recover, access, consecrate, commemorate, and visit ancestral cemeteries known to exist in the Parish. These alleged injuries are directly traceable to the Parish's land use decisions because, by authorizing this "destruction" and "desecration" through its individual land use decisions, the Parish "significantly contributed" to harm that the Organizations allege they endured. *See LeBlanc*, 627 F.3d at 123. In limiting its inquiry to physical access of the cemeteries, the district court erroneously disregarded a swath of other alleged injuries that are traceable to the conduct of the Parish. Moreover, the district court improperly narrowed the scope of the Organizations' allegations under RLUIPA's Substantial Burdens Clause and Section 4 of Article XII of the Louisiana Constitution.¹⁰ As a result, the district court erred in determining that the Organizations lacked standing for Claims V and VII.

Further, the district court dismissed the Organizations' claims on this ground "with prejudice" despite its acknowledgment that "if a court lacks subject matter jurisdiction, it should dismiss without prejudice." *Green Valley Special Util. Dist. v. City of Schertz, Texas*, 969 F.3d 460, 468 (5th Cir. 2020) ("Ordinarily, when a complaint is dismissed for lack of jurisdiction, including lack of standing, it should be without prejudice." (internal quotation marks and citation omitted)). Because the Organizations' alleged

¹⁰ Even assuming the Organizations' religious injuries were insufficient to establish standing, in dismissing Claim VII, the district court did not address the Organizations' alleged cultural and historical injuries under the Louisiana Constitution.

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injuries are not merely related to physical access and are traceable to the conduct of the Parish, the district court improperly dismissed Claims V and VII with prejudice.

C. Property-Injury Standing

The Organizations argue that the district court erred in determining that Mount Triumph and RISE did not sufficiently allege standing based on their property-related injuries. We agree.

As discussed, to establish standing, the Organizations must plead concrete injuries that are fairly traceable to the challenged conduct of the Parish and likely to be redressed by a favorable judicial decision. *See Spokeo*, 578 U.S. at 338; *Croft*, 562 F.3d at 745. They have each done so. As to RISE, the Organizations pleaded that RISE founder and member Lavigne complained to the Parish about its discriminatory siting of polluting industrial plants that damaged their property values. As to Mount Triumph, the Organizations pleaded that the Parish's discriminatory land use practices have "resulted in diminution in the value of property owned by . . . congregants." As the district court recognized, those allegations plainly constitute concrete injury because a "decrease in the market value of [property]" as a result of a zoning designation is "a sufficiently concrete injury for Article III purposes." *Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv.*, 586 U.S. 9, n.1 (2018) (citing *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 386 (1926))).

The Organizations alleged property injuries are also traceable to the conduct of the Parish. The district court's order did not meaningfully distinguish its traceability analysis for Inclusive Louisiana (for whom it found

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traceability) from its analysis for the other appellants (for whom it did not).¹¹ Instead, the district court determined that “[the Organizations] d[id] not allege that [the Parish’s] conduct significantly contributed to property injuries experienced by . . . Mount Triumph Baptist Church and RISE St. James.” This determination, however, belies the Amended Complaint. In the Organizations’ very first claim, they allege that “[t]he discriminatory land use system has also resulted in diminution in the value of property owned by [all appellants], their members and congregants.” And in their fourth claim, they allege that the Parish has “devised, implemented, enforced, encouraged, and sanctioned a policy, practice, and/or custom of land use that violates [their] rights . . . to inherit, purchase, lease, sell, hold, and convey real and personal property . . . resulting in lowered property values and other harms to their properties.” Through these claims, the Organizations plainly allege “a causal connection” between their purported property injuries and the Parish’s challenged conduct. *See Inclusive Cmty. Project*, 946 F.3d at 655. Moreover, in alleging that the Parish’s practices caused those injuries, the Organizations necessarily clear the lower hurdle of pleading that those practices “significantly contributed” to them. *See LeBlanc*, 627 F.3d at 123.

To be sure, perhaps each of the Organizations could have provided more detail on how the Parish’s land use decisions have driven down the values of their properties. But neither the district court nor the Parish have cited any authority suggesting that Article III mandates additional specificity

¹¹ The district court noted that the Amended Complaint named two members of Inclusive Louisiana who alleged specific property injuries. Perhaps that makes those alleged injuries more detailed, but it does not make them any more traceable to the conduct of the Parish. Moreover, as discussed, the Organizations need not specifically name their allegedly injured members to establish standing. *See Nat’l Infusion Ctr. Ass’n*, 116 F.4th at 497 n.5.

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to establish traceability. *See Bennett v. Spear*, 520 U.S. 154, 170–71 (1997) (explaining that a plaintiff’s burden to establish traceability is “relatively modest” at the pleading stage). Because each appellant pleaded cognizable property injuries that are traceable to the conduct of the Parish and redressable by the various forms of relief they seek from the court, the Organizations have sufficiently demonstrated standing for those alleged property injuries. *See Spokeo*, 578 U.S. at 338.

D. Stigmatic-Injury Standing

The Organizations also argue that the district court erred in holding that they do not have standing based on stigmatic injury. We agree.

Stigmatic injury “accords a basis for standing only to ‘those persons who are personally denied equal treatment’ by the challenged discriminatory conduct[.]” *Moore v. Bryant*, 853 F.3d 245, 249 (5th Cir. 2017) (quoting *Allen v. Wright*, 468 U.S. 737, 755 (1984)) (rejecting a claim that the inclusion of the Confederate battle flag on the Mississippi state flag conferred standing under the Equal Protection Clause). “Classifications based on race carry a danger of stigmatic harm . . . [and] may in fact promote notions of racial inferiority and lead to a politics of racial hostility.” *Dean v. City of Shreveport*, 438 F.3d 448, 454 (5th Cir. 2006) (citing *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 493 (1989)). But racial classification alone does not amount to a showing of individualized harm. *Moore*, 853 F.3d at 249 (citing *Carroll v. Nakatani*, 342 F.3d 934, 946 (9th Cir. 2003)). To plead standing based on a stigmatic injury, plaintiffs must plead that they were personally subjected not merely to racial classification, but to discriminatory treatment. *Id.* Put another way, “when plaintiff[s] ground their equal protection injuries in stigmatic harm, they only have standing if they also allege discriminatory treatment.” *Barber v. Bryant*, 860 F.3d 345, 356 (5th Cir. 2017).

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The district court did not explicitly address whether the Organizations suffered a stigmatic injury. Instead, it briefly concluded that “alleging broadly unequal treatment as a basis for numerous claims does not suffice” to meet the Organizations’ burden to establish standing.¹² Upon closer examination, however, the Organizations’ allegations suffice to establish stigmatic injury.

To start, the Organizations alleged racial classification in the Parish’s land use decisions. Moreover, the Organizations pleaded that those decisions have personally subjected them to unequal treatment because the Parish consistently steers hazardous industrial development toward the predominantly Black districts (where they reside and worship) while shielding predominantly White districts from industrial development.

Indeed, the Organizations’ Amended Complaint is replete with allegations of such unequal treatment. *Supra* III.A. In a letter to the St. James Parish Council, LeBoeuf, founding member of Inclusive Louisiana, and Lavigne, founding member of RISE, said that “[i]t is painful to see a land use map that so clearly signals the disregard of *our* lives and communities . . . clearing the way for more industry, more pollution, and more harm.” On a separate occasion, Lavigne pleaded with the council once more stating that “it seems like you all like to push everything in the 5th District. Why? Because of the minorities and because of the [B]lacks. I don’t know what it would take for this council to stand with this community and stop granting permits to every company.” Similarly, in a council meeting regarding an industrial project to be built within the Fourth and Fifth District, Pastor Joseph lamented, “[w]hy does it always have to be us?” These statements, juxtaposed with the Organizations’ statements about how

¹² The district court did not dismiss any claims based on this reasoning.

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consistently the Parish heeds the concerns of its majority-White districts, demonstrate the Organizations' well-pleaded allegations that they were racially classified and denied equal treatment.

In sum, the Organizations have pleaded a stigmatic injury sufficient for Article III adjudication.

* * *

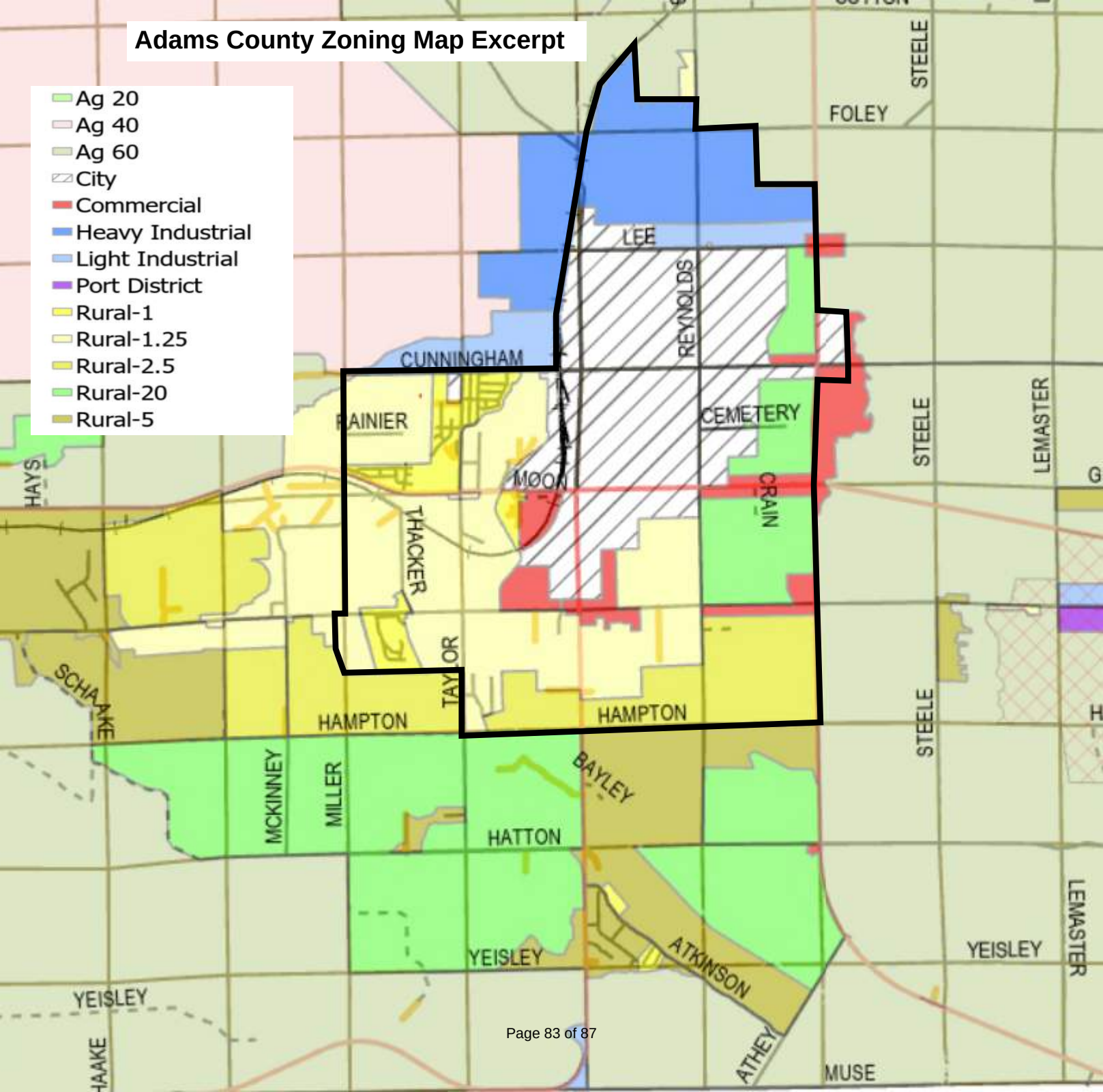
Of course, whether the Organizations will prove their allegations or prevail on any of their claims remains to be seen. At this juncture, however, we merely acknowledge that they have standing to pursue them.

IV.

For the foregoing reasons, we REVERSE the judgment of the district court and REMAND for further proceedings consistent with this opinion.

Adams County Zoning Map Excerpt

- Ag 20
- Ag 40
- Ag 60
- City
- Commercial
- Heavy Industrial
- Light Industrial
- Port District
- Rural-1
- Rural-1.25
- Rural-2.5
- Rural-20
- Rural-5

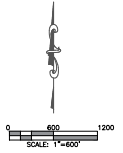


LEGEND

	(R-1) RESIDENTIAL DISTRICT ONE		(O.S.) OPEN SPACE - URBAN RESERVE
	(R-2) RESIDENTIAL DISTRICT TWO		CITY PARKS
	(R-3) RESIDENTIAL DISTRICT THREE		CITY LIMITS
	(R-4) RESIDENTIAL DISTRICT FOUR		URBAN GROWTH BOUNDARY
	(R-M) RESIDENTIAL-MEDICAL DISTRICT		LOT NUMBER
	(S-1) SUBURBAN 1		BLOCK NUMBER
	(C-1) TRADITIONAL COMMERCIAL ZONE		PLAT NAME
	(C-2) CENTRAL COMMERCIAL ZONE		CANAL
	(C-3) LARGE SCALE COMMERCIAL ZONE		
	(I-1) LIGHT INDUSTRIAL ZONE		
	(I-2) HEAVY INDUSTRIAL ZONE		

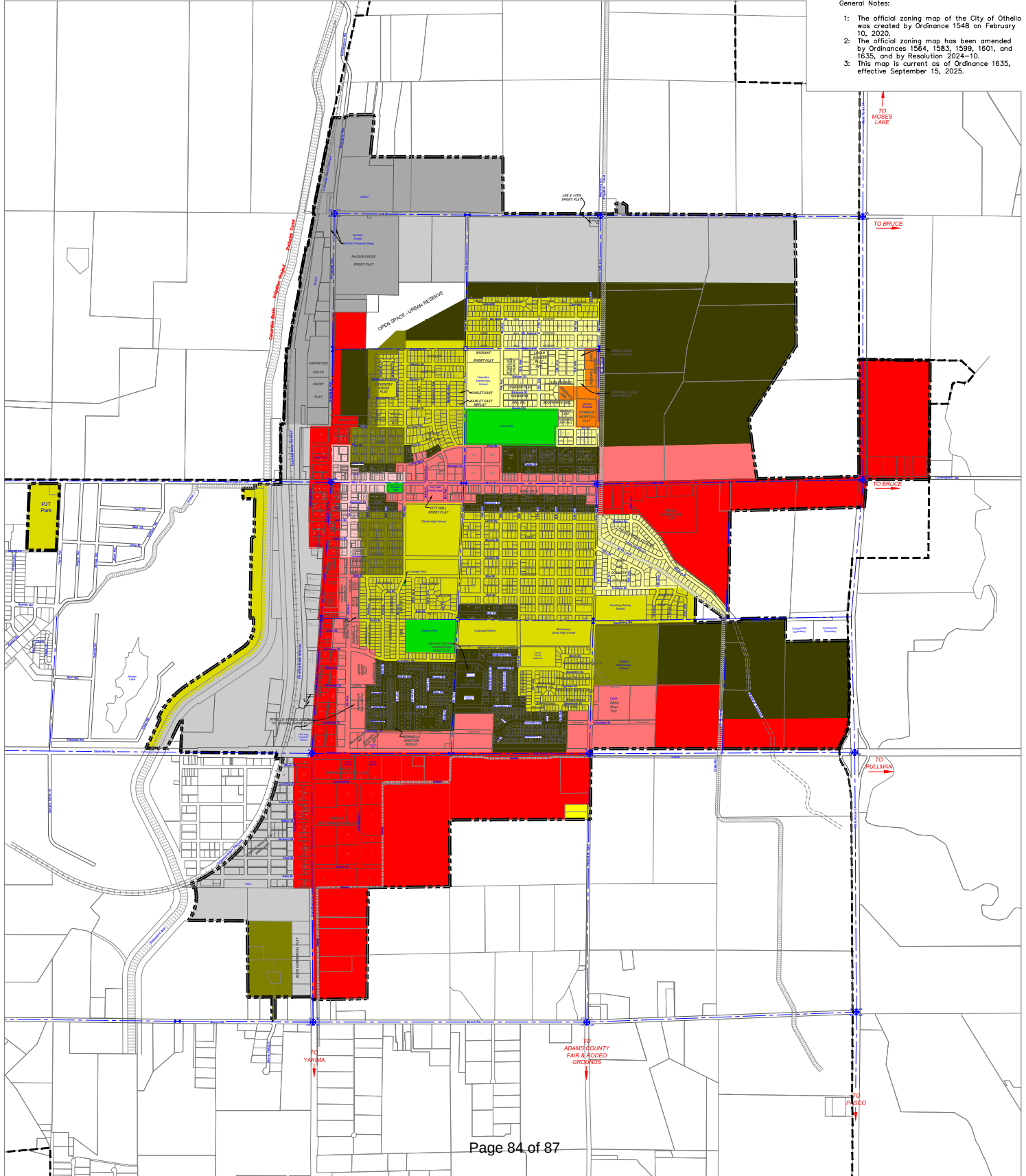
CITY OF OTHELLO ZONING MAP

September 15, 2025



General Notes:

- 1: The official zoning map of the City of Othello was created by Ordinance 1548 on February 10, 2020.
- 2: The official zoning map has been amended by Ordinances 1564, 1583, 1599, 1601, and 1635, and by Resolution 2024-10.
- 3: This map is current as of Ordinance 1635, effective September 15, 2025.



City of Othello
Building and Planning Department
July 2026

Building Permits			
	Applied	Issued	Final
Residential	9 ¹	6 ³	16 ⁵
Commercial	1 ²	2 ⁴	2 ⁶
Total	10	8	18

¹ Demo of block building at Othello Trailer Court, 1 accessory dwelling unit, 1 remodel (interior rebuild due to fire), finishing interior of second unit of new duplex, 2 patio covers, 2 reroofs, replace rafters after fire

² Replace HVAC Othello High School

³ Demo of block building at Othello Trailer Court, 1 remodel (interior rebuild due to fire), finishing interior of second unit of new duplex, 1 patio cover, 2 reroof

⁴ Replace HVAC at Tati's Bakery, replace HVAC at Othello High School

⁵ Demo of block building at Othello Trailer Court, 3 fences, 1 gas piping, 1 water heater, 3 porch/patio covers, 5 reroofs, 1 shed, 1 swimming pool

⁶ Willow Cottage Academy childcare center, replace HVAC at Tati's Bakery

Development Projects

- Revised plans received for the proposed gas station/convenience store at Broadway and Curtis.

Inspections

- The inspector completed 104 inspections in July, including 5 rental inspections.

Rental Licensing & Inspection Program

- 2 new applications and 5 rental inspections this month.
- 2 new approved rental units this month.
- 239 locations with a total of 523 units have been fully approved so far.
- There are currently 14 active applications for 27 units in various stages of inspection and correction (including 4 sites/6 units new construction).
- Mold issue had developed in a unit that had previously passed inspection. The landlord finished correcting it this month.

Land Use Permits		
Project	Actions in July	Status as of July 31
Hampton Properties II Phase 1 Major Plat	Revised submittal received.	Need to review for completeness (done 8/4).
Ochoa Lee St Short Plat	Application documents received.	Need to review for completeness (informal review sent 8/4, 1 item needs to be updated)
Pegram/Fox Tail Major Plat & Dev. Agreement	Proponent's engineer had some correspondence with Public Works regarding the sewer proposal.	Waiting for proponent to respond to: Remainder of items from 1/22/26 letter

Land Use Permits		
Project	Actions in July	Status as of July 31
		6/19/26 letter about latecomer agreement 6/22/26 letter about plat drawing
Sand Hill 6 Replat Final Plat	Submittal documents received 7/31	Need to review for completeness.
Wahitis Short Plat*	No change (In May, plat approved, but School District is not comfortable with their obligations the way the deferrals were granted.)	The plat may remain unfinished if these items cannot be resolved.
Water System Plan SEPA	Received Environmental Checklist & draft plan. Reviewed. Sent comments on plan to Public Works.	Need to issue DNS and circulate for agency & public review (done 8/3)

Housing & Homelessness

- Building Official is working with 6 mobile homes in 2 trailer parks that do not meet health and safety standards. Of those, 3 trailer owners are working toward making corrections, and the other 3 did not respond so will be moving through the code enforcement process. The Building Official is also working with the owners of the parks.

Long Range Planning

- Comprehensive Plan outreach at the 4th of July community event. Thank you to all who helped during the event:
 Mayor Ken Johnson Planning Commissioner Jose Garza City Administrator
 Council member Chris Dorow Planning Commissioner Don Burks Aaron Garza
 Council member Kelli Camp Planning Commissioner Ruth Sawyer
 And thank you to Public Works staff for setting up and taking down the City booth.
 We received a lot of community input that will factor in to the Comprehensive Plan update.
- Planning Commission reviewed the 2015 Future Land Use Map outside city limits and noted some potential changes that should be made.
- Request from Terra Gold Farms for changes to the Future Land Use Map (outside city limits) and also zoning (inside city limits). Planning Commission received the initial information and will discuss it in the future.
- Working with Commerce on the Year 2 Planning Update Grant. State budget cuts have reduced these funds, but we should be able to get \$9826 out of the originally-promised \$10,000 toward the required Comprehensive Plan and Critical Areas Ordinance updates.
- Bi-monthly meetings with the consultant working on the Comprehensive Plan and Critical Area updates. Work products this month:
 - Survey Results Summary (posted on [website](#))
 - Future Land Use Map Worksheet (for July & August Planning Commission meetings)

* The School District has been working on platting this property since 2011. There have been a number of issues that prevented finishing the plat before it expired each time.

Training

- AWC webinar, same speaker as at 2026 AWC conference (Doug Griffiths): 13 Ways to Kill Your Community.

Other

- Adams County Planning Commission meeting: They discussed their Comprehensive Plan Update schedule and a draft ordinance regulating data centers.
- Attended Othello Housing Authority grand opening of Rocky Point apartments.