
AGENDA
OMAK CITY PLANNING COMMISSION MEETING
Tuesday – September 1, 2020
5:30 PM via Zoom, see information below

A. CALL TO ORDER

B. ESTABLISH A QUORUM

Sheila Harrison, Chair
Stacey Okland, Vice Chair
Pat Davisson

Barry Hansen
Anne Potter
Erin Munding

C. APPROVAL OF MINUTES
August 4, 2020 Meeting Minutes



D. TRANSPORTATION ELEMENT-Discussion

5.0 Strategy Descriptions and Recommendations

Focus Area 1-US and Sand Flat Road
Strategy 1-Extend 50 mph Speed Zone
Strategy 2-Single Lane Roundabouts
Strategy 3- Traffic Signal

E. ZONING AMENDMENTS-Discussion

Nightly Rentals
Duplexes in Single Family Zones
Standards for Development for Residential Zones
Off Street Parking for Residential Use in the Central Business Zoning District

F. PROPOSED ZONING CODE AMENDMENTS-Discussion
Tyler Wells, Building Official

E. OTHER BUSINESS
City Update-Tyler Wells and Kurt Danison

 **Action by Planning Commission**

The Omak City Hall is accessible to persons with disabilities. Hearing or visually impaired persons requiring special accommodations should contact the City Clerk one week in advance of the meeting by calling 509-826-1170 or e-mail clerk@omakcity.com in order to be provided assistance.

AGENDA
OMAK CITY PLANNING COMMISSION MEETING
Tuesday – September 1, 2020
5:30 PM via Zoom, see information below

Join Zoom Meeting

<https://us02web.zoom.us/j/81142605220?pwd=NjRPZ0UxaEowZ0VITFB3UHh4dXJJEQT09>

Meeting ID: 811 4260 5220

Passcode: 106862

One tap mobile

+12532158782,,81142605220#,,,,,0#,,106862# US (Tacoma)

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Dial by your location

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+1 346 248 7799 US (Houston)

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Meeting ID: 811 4260 5220

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Find your local number: <https://us02web.zoom.us/j/81142605220?pwd=NjRPZ0UxaEowZ0VITFB3UHh4dXJJEQT09>

AUGUST 4, 2020 VIA ZOOM **DRAFT**
OMAK PLANNING COMMISSION
PLANNING MINUTES

Call to Order:

Chairwoman Harrison called the meeting via Zoom of the Omak Planning Commission to order at 5:30 PM and a quorum was established.

Commissioner & Administrative Personnel:

Sheila Harrison, Chair	Kurt Danison, Contract Planner
Stacey Okland, Vice Chair	Tyler Wells, Building Official
Pat Davisson	Amber Scott, Deputy Clerk
Erin Mundinger	
Barry Hansen	
Anne Potter	

Approval of Minutes – July 7, 2020 Meeting

Commissioner Mundinger moved, seconded by Commissioner Potter, to approve the July 7, 2020 meeting minutes. Motion carried.

Transportation Element

Kurt Danison, Contract Planner explained the WSDOT created a US 97 Omak Area Transportation Study in 2019. This detailed study was given to the Commissioners in 2019. Mr. Danison would like the commissioners to review sections to give input to the council, he suggests to review a section at a time with each meeting. He would like the commissioners to review before the meetings and take notes and come together and discuss ideas and questions. The first section for discussion at the September meeting is:

5.0 Strategy Descriptions and Recommendations

Focus Area 1- US 97 and Sand Flat Road
Strategy 1-Extend 50 mph Speed Zone
Strategy 2-Single Lane Roundabout
Strategy 3-Traffic Signal

Zoning Amendments

Kurt Danison asked the Commissioners if they wanted to further discuss the Zoning issues that were discussed at the February Meeting. The issues include, Nightly Rentals, Duplexes in single-family zones, Standards for development for Residential Zones and Off-Street Parking for Residential uses in the Central Business Zoning District.

Commissioner Potter does feel we need to address Nightly Rentals more, as she suggests to address potential issues now than later. Commissioners agreed, although it was decided that it may be worth taking another look at and address nightly rentals before they become an issue.

Tyler Wells, City Building Official would like to further discuss the Conditional Use Permit (CUP) for duplexes. Mr. Wells feels this is a waste of time and money for the Builder and Council, as he finds that it is usually permitted. After discussion, the Commissioners agreed this needs to be kept in place but should be further discussed. Commissioner Mundinger doesn't feel we should allow duplexes in a single-family zones. This will be on the next agenda, to finalize recommendations.

AUGUST 4, 2020 VIA ZOOM DRAFT
OMAK PLANNING COMMISSION
PLANNING MINUTES

Tyler Wells brought to attention of the Commissioners of some conflicts in the Omak Municipal Code. He would like to further discuss at the next meeting. But wanted to provide the code numbers now, if a commissioners wanted to review. Below is the list.

OMC 18.52.010-Zoning-Administration
OMC 18.16.122-Accessory Structures
OMC 18.11.020 -Accessory Uses
OMC 18.16.020- General Development Standards
OMC 17.36 -Deviations from Street Design Development

He briefly discussed them; This will be added to next months agenda to further review the list..

Other Business

Tyler Wells informed the Commissioners, he doesn't have an update on Meadow Pointe, which was expected to break ground this month, he will check in with the project manager.

He also has been working a project that is being looked at again, that was placed on hold a few years ago. The River Ridge Planned Development on Dewberry Street.

Next meeting is scheduled via Zoom September 1, 2020 @ 5:30 p.m.

As there was no further business, the meeting was adjourned at 6:30 p.m.

SIGNED:

Sheila Harrison, Chair

Amber Scott, Deputy Clerk

Administrative Permit #18-02

==== Nightly Rental

The Town of Twisp has received an application and impact assessment checklist for a nightly rental proposed by ===== for commercial building at 101 N. Glover Street. The Town Planning Department, under the authority of TMC 18.50.080, has reviewed the land use application and impact assessment checklist and has determined the project may be permitted through an administrative permit pursuant to Twisp Municipal Code Title 18, Appendix A - District Use Chart. The following conditions apply to this permit and the business must remain in compliance to maintain approval:

1. As required by 18.50.080 4 (a) "The following conditions must be met prior to approval of an administrative permit for overnight accommodations and overnight rentals. Compliance with said conditions is required on an annual basis. Noncompliance may result in revocation of permit.
 - (i) Town business license.
 - (ii) Transient accommodation permit.
 - (iii) Okanogan County health district permits as appropriate for food service, if any.
 - (iv) Parking will be as required in underlying zone.
 - (v) 24 hour/7 day per week contact information must be provided and kept current
2. This permit shall be valid on a continuous basis as long the use does not lapse for greater than 2 years.
3. Any lapse in payment of the business license may result in revocation of this Administrative Permit.
4. All activities related to this proposal must occur on proposed site.
5. Off-site signage shall not be allowed. On-site signage must conform to the following standards:
 - a. signs larger than 2 sq. ft (2 square feet) shall be prohibited;
 - b. signs shall not be reflective or contain internal illumination (down-lit or up-lit signs are permissible so long as the light being cast illuminates only the sign and is shielded from directing light sky-ward or across property boundaries).
6. All visitor vehicles must be parked within the property boundaries not on public right-of-way;
7. Any nuisance created by this project shall be subject to the Nuisance Ordinance established by the Town of Twisp in TMC 8.05;
8. Any voluntary written or verbal agreements made with neighboring land owners who may be affected by the this project shall be disclosed in writing to the Town of Twisp as part of the official permit record;

9. A health and safety inspection shall be conducted by the Town Building Official and applicable fees paid prior to operation of the proposed use.

The following findings of fact form the basis for granting this permit:

- (i) That the use for which the administrative permit is requested is consistent with the description and purpose of the C1 zoning district in which the property is located;
- (ii) That said use complies with all requirements of this title, including the specific performance standards in TMC [18.15.070](#);
- (iii) That the site for which the use is proposed is of sufficient size to accommodate the proposed use and that all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title, or as are needed in the opinion of the administrator to ensure that the proposed use will be compatible and harmonious with adjacent and nearby uses, will be properly provided.
- (iv) That the proposal supports the Town of Twisp Goal #3 of its Comprehensive Plan.
- (v) That the proposal is located on a lot that conforms to the size dimensions of the C1 Zone.
- (vi) The proposed use is considered a low-impact use and compatible with the C1 zone.

For more information regarding this administrative permit and compliance with TMC, please contact Kurt Danison, Twisp Town Planner: Twisp Town Hall, (509) 997-4081.

Kurt E. Danison
Twisp Town Planner
Highlands Associates

Soo Ing-Moody
Mayor
Town of Twisp

Date

Sections:

17.22.010 Administrative permits.

17.22.010 Administrative permits. 

An administrative permit (AP) is a means of allowing certain uses that require some review in order to ensure that the uses are consistent and compatible with other existing and permitted uses within the zone and do not create undue demands on public facilities, and to prevent and abate public nuisances.

A. Intent. It is the intent of this section to detail the procedures required and the responsibilities of the administrator, and the city council upon appeal, in the processing, consideration, and issuance of administrative permits whenever such permits are applied for pursuant to provisions of this title. Only those uses listed as requiring an administrative permit, within a particular zone, qualify for this process, except as otherwise provided in Chapter [17.12](#). The administrator may determine that other similar uses, which are not listed, may qualify for this process. This process is not to replace the variance procedure or to permit uses that are prohibited within the zone.

B. Authority. The administrator shall have the authority, subject to provisions of this section (and specifically subsection D of this section), to grant, upon such conditions as may be determined necessary in order to realize the intent of this title, an administrative permit for a use found to be in harmony with the scope and purpose of this title, the intent of the zoning district in which the use is to be located, and the goals, objectives, and policies of the Pateros comprehensive plan and in accordance with subsection D of this section.

C. Process.

1. Applications for administrative permits shall be filed with the administrator on forms provided by the administrator with all information as required in said form, including a completed impact assessment checklist, together with a completed SEPA environmental checklist, where required, and with payment of all applicable fees. The administrator shall determine if the application is complete and, if not complete, shall return the same to the applicant with additional required information noted.

2. The administrator shall review all administrative permit requests. Upon receipt of a complete application, the administrator shall within fifteen (15) business days complete an impact

assessment (see Section [17.04.170](#)) and issue an initial determination to grant or deny the permit. Each determination to grant or deny an administrative permit shall be supported by written findings of fact showing specifically wherein all of the following conditions exist:

- a. That the use for which the administrative permit is requested is specified by this title as being administratively permitted within the zoning district in which the property is located, or that said use is not listed in Chapter [17.12](#), Table A, District Use Chart, of this title and is similar to a use that is specified by this title as being administratively permitted within the zoning district in which the property is located;
- b. That the use for which the administrative permit is requested is consistent with the description and purpose of the zoning district in which the property is located;
- c. That said use complies with all requirements of this title;
- d. That the site for which the use is proposed is of sufficient size to accommodate the proposed use and that all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title, or as are needed in the opinion of the administrator to ensure that the proposed use will be compatible and harmonious with adjacent and nearby uses, will be properly provided.

3. The administrator's initial determination, along with any permit conditions, shall be forwarded to the applicant and to all adjacent property owners and any relevant resource agencies and posted upon the subject property.

4. Any affected party may appeal the administrator's initial determination to the city council pursuant to Chapter [17.40](#). If no appeal of the initial determination of impending administrative permit issuance is filed within five regular city business days from issuance of the administrator's initial determination, the administrator shall render a final decision on the permit in accordance with the initial determination within five regular city business days.

D. Conditions of Approval. In order to mitigate anticipated impacts of a proposed use or support a finding of fact or prevent and abate public nuisances associated with any project for which an administrative permit is requested, the administrator shall have the authority to require compliance with

conditions and safeguards deemed necessary to mitigate the anticipated impacts of a proposed use, based on the findings of fact (per subsection (C)(2) of this section). Such conditions may be imposed that could increase requirements in the standards, criteria, or regulations of this title or other city ordinances or adopted policies. Project proponents may submit plans for proposed alternative means of mitigation impacts for review by the city. No administrative permit shall require, as a condition, the dedication of land for any purpose not reasonably related to the use of property for which the administrative permit is requested, nor posting of a bond to guarantee installation of public improvements not reasonably related to the use of property for which the administrative permit is requested.

1. The following conditions must be met prior to approval of an administrative permit for nightly rentals. Compliance with said conditions is required on an annual basis. Noncompliance may result in revocation of permit.

- a. City and state business licenses.
- b. Transient accommodation permit.
- c. Okanogan County health district permits as appropriate for food service, if any.
- d. Parking will be as required in underlying zone.
- e. Written approval from the city building official documenting compliance with required health and safety regulations.
- f. Twenty-four (24) hour contact number for owner/manager of nightly rental.

E. Time Limitations. Any administrative permit granted by the administrator, or by the city council on appeal, shall be null and void if not exercised within the time specified in such permit or, if no time is specified, within two years of the date of approval of such permit. An administrative permit shall be deemed exercised and remain in full force and effect when a building permit has been issued and substantial construction accomplished, or when substantial investment has been made to establish the use for which the administrative permit has been granted in reliance upon said administrative permit, with the exception of renewable administrative permits granted to mobile vendors and temporary markets. If such permit is abandoned or is discontinued for a continuous period of two years, it may not thereafter be

reestablished unless authorized in accordance with the procedure prescribed herein for the establishment of an administratively permitted use.

F. Renewable Administrative Permits. Renewable administrative permits granted to mobile vendors and temporary markets shall be valid for a period of one year from the date of approval, and shall be renewable annually, providing the permit holder is in compliance with all conditions of the permit.

G. Extension of Time. Upon written request by a property owner or his/her authorized representative prior to the date of administrative permit expiration, the administrator may grant an extension of time up to but not exceeding one year. Such extension of time shall be based upon a finding that there has been no material change of circumstances applicable to the property since the granting of said permit that would be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare.

H. Additions and Modifications to Sites and Structures.

1. Minor Additions or Modifications.

a. Minor adjustments are those that may affect the precise dimensions or siting of buildings, but that do not affect the basic character or arrangement of buildings approved, nor the development coverage of the development or the open space requirements. Such dimensional adjustments shall not vary more than ten (10) percent from the original. Minor adjustments to sites and structures permitted under existing valid administrative permits may be administratively approved by the administrator, subject to the following findings:

i. The proposed addition or modification is determined to be in substantial conformity with any and all previous valid administrative permits for existing uses on the site.

ii. The proposed addition or modification directly relates to a use or structure established under a previous valid administrative permit.

iii. No more than one administrative approval for any such minor addition or modification shall be granted on a single property within any two-year period.

iv. The proposed addition or modification shall still be subject to all other applicable city ordinances and development standards, including setback, screening, or buffering requirements.

v. The proposed addition or modification will be served by existing streets, driveways and utilities, and will not require relocation of any existing structures or other site modifications.

b. Upon approval of any such minor addition or modification, notice shall be provided to all parties of record with the opportunity to comment on the administrator's decision within ten (10) business days. If a written objection is filed within ten (10) business days, the administrator shall reconsider the determination in light of the objection(s) raised and render a final decision. Any party aggrieved by the administrator's final decision may file an appeal of that decision to the city council pursuant to Chapter [17.40](#).

2. Major Adjustments. Major adjustments are those that, when determined by the administrator, substantially change the basic design, coverage, open space or other requirements of the permit. When the administrator determines that a change constitutes a major adjustment, no building or other permit shall be issued without prior review and approval by the city council of such adjustment.

I. Cancellation of an Administrative Permit. A valid administrative permit granted by the administrator, or the city council upon appeal, may be canceled at any time. Cancellation must be initiated by the owner of the property covered by an administrative permit by means of a written request to the administrator. Said permit shall then become null and void within thirty (30) days thereafter.

J. Revocation of Permit. The administrator may revoke, suspend, or add additional conditions to any administrative permit granted under the provisions of this chapter on any one or more of the following grounds:

1. That the approval was obtained by fraud;
2. That any material fact was concealed or misrepresented on the administrative permit application or on any subsequent applications or reports;

3. That the use for which such approval is granted is not being exercised;
4. That the use for which such approval is granted has ceased to exist or has been suspended for one year or more;
5. That the administrative permit granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
6. That the use for which the approval was granted is being so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance.

K. Posting of Performance Bonds. Notwithstanding the provisions of subsection D of this section, whenever an administrative permit is granted upon any condition or limitation requiring development of a right-of-way, installation of utilities, or other public improvements, the person seeking the administrative permit may be required to furnish security in the form of money or a surety bond in an amount fixed by the administrator, or the city council on appeal, to ensure compliance with the conditions and limitations related to public improvements upon which said permit is granted. Every such bond shall be a performance bond and shall be in a form approved by the city attorney, shall be payable to the city, and shall be conditioned upon compliance with the conditions and limitations upon which said permit is granted.

Memorandum

To: Omak Planning Commission
From: Tyler Wells, Building Official / Permit Administrator
Date: August 14, 2020
Subject: Proposed Zoning Code Amendments

18.11.020 Accessory uses.

- (a) General. These uses shall be limited to those normally found in conjunction with one of the primary permitted uses and are allowed outright but only in conjunction with an existing, permitted use.
- (b) Accessory Buildings. These buildings shall not exceed fifteen feet in height or one story. The location of a detached accessory building shall generally be located in the rear yard of the lot, and shall not project beyond the front line of the main building.
- (c) Accessory Dwellings. Accessory dwellings shall be permitted subject to Section [18.11.050](#), District use chart, and Section [18.16.124](#). (Ord. 1877 § 6, 2019; Ord. 1286 (part), 1995).

Proposed Change:

18.11.020 Accessory uses.

- (a) General. These uses shall be limited to those normally found in conjunction with one of the primary permitted uses and are allowed outright but only in conjunction with an existing, permitted use.
- (b) Accessory Buildings. These buildings shall not exceed **the allowable height as defined in OMC-18.16.020 for each applicable zoning district**. The location of a detached accessory building shall generally be located in the rear yard of the lot, and shall not project beyond the **minimum front yard setback as defined in OMC-18.16.020 for each applicable zoning district**.
- (c) Accessory Dwellings. Accessory dwellings shall be permitted subject to Section [18.11.050](#), District use chart, and Section [18.16.124](#). (Ord. 1877 § 6, 2019; Ord. 1286 (part), 1995).

18.16.020 General development standards.

General development standards including setbacks, unit size, building height, lot size, lot coverage, and density for all districts are listed below in Table 1.0. Additional specific development standards may be listed within Chapters [18.20](#) through [18.40](#) of this title.

Table 1.0

GENERAL DEVELOPMENT STANDARDS FOR ALL DISTRICTS*

DISTRICT	Residential Single Unit RS	Residential Duplex RD	Residential Multi Unit RM	Central Business CB	Planned Shopping PS	Highway Business HB	Commercial Industrial CI	Light Industrial LI	Highway Industrial HI	UNITS
Setback: front	20	20	20	0	0	0	15	15	15	feet
Setback: side, interior	5	5	^c	0 ^f	0 ^f	0 ^f	10 ^h	10 ^h	10 ^h	feet
Setback: side, street	15	15	15	0	0	0	10	10	10	feet
Setback: rear, main building	20	20	20	8 ^g	8 ^g	8 ^g	10 ^h	10 ^h	10 ^h	feet
Setback: rear, accessory building	3	3	3	8 ^g	8 ^g	8 ^g	10 ^h	10 ^h	10 ^h	feet
Minimum unit size	500	500	320	320 ^e	320 ^e	320 ^e	320 ^e	320 ^e	320 ^e	square feet
Maximum building height	35	35	45	50	50	50	50	50	50	feet
Minimum lot size	6000 ^a	6000	^b	0	5000	0	0	0	0	square feet
Maximum building coverage	45	45 ^d	45 ^d	—	60	—	—	—	—	percent of area
Allowed density	6	10	36	—	—	—	—	—	—	units per acre

* Except AI—Airport Industrial (Chapter [18.38](#)) and PU—Public Use (Chapter [18.40](#)) districts. Refer to their respective sections.

^a Except a single unit (detached) dwelling may be allowed on any lot of fifty feet in width in areas platted before January 8, 1962, and on any lot of sixty feet wide in areas platted thereafter.

^b Minimum Lot Sizes. Single-unit dwelling: 6,000 sf. Duplexes: 8,000 sf. Apartment buildings: 6,000 sf. plus 1,000 sf. for each additional unit over six. All other uses: 10,000 sf.

- 10 ft. when abutting an RS, or RD district; 5 ft. when abutting a CB, HB, PS, LI, HI, or AI district; no setback when abutting PU or other RM properties.
- Unless the required off-street parking is undercover, then the building coverage may be increased to sixty percent.
- Limited to second story or above residential uses unless part of an approved multifamily or mixed use complex.
- 10 ft. when abutting an RS, RM, or RD district.
- 12 ft. when abutting an RS, RM, or RD district.
- 20 ft. when abutting an RS, RM, or RD district.

(Ord. 1877 § 9, 2019; Ord. 1667 § 14, 2010; Ord. 1325 § 3, 1996; Ord. 1286 (part), 1995).

Proposed Change:

18.16.020 General development standards.

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Setback: front	20	20	20	0	0	0	15	15	15	feet
Setback: side, interior	5	5	◦	0 ^f	0 ^f	0 ^f	10 ^h	10 ^h	10 ^h	feet
Setback: side, street	15	15	15	0	0	0	10	10	10	feet
Setback: rear, main building	20	20	20	8 ^g	8 ^g	8 ^g	10 ^h	10 ^h	10 ^h	feet
Setback: rear,	5	5	5	8 ^g	8 ^g	8 ^g	10 ^h	10 ^h	10 ^h	feet

Table 1.0

GENERAL DEVELOPMENT STANDARDS FOR ALL DISTRICTS*

DISTRICT	Residential Single Unit RS	Residential Duplex RD	Residential Multi Unit RM	Central Business CB	Planned Shopping PS	Highway Business HB	Commercial Industrial CI	Light Industrial LI	Highway Industrial HI	UNITS
accessory building										
Minimum unit size	500	500	320	320 ^e	320 ^e	320 ^e	320 ^e	320 ^e	320 ^e	square feet
Maximum building height	35	35	45	50	50	50	50	50	50	feet
Minimum lot size	6000 ^a	6000	^b	0	5000	0	0	0	0	square feet
Maximum building coverage	45	45 ^d	45 ^d	—	60	—	—	—	—	percent of area
Allowed density	6	10	36	—	—	—	—	—	—	units per acre

* Except AI—Airport Industrial (Chapter [18.38](#)) and PU—Public Use (Chapter [18.40](#)) districts. Refer to their respective sections.

^a Except a single unit (detached) dwelling may be allowed on any lot of fifty feet in width in areas platted before January 8, 1962, and on any lot of sixty feet wide in areas platted thereafter.

^b Minimum Lot Sizes. Single-unit dwelling: 6,000 sf. Duplexes: 8,000 sf. Apartment buildings: 6,000 sf. plus 1,000 sf. for each additional unit over six. All other uses: 10,000 sf.

^c 10 ft. when abutting an RS, or RD district; 5 ft. when abutting a CB, HB, PS, LI, HI, or AI district; no setback when abutting PU or other RM properties.

^d Unless the required off-street parking is undercover, then the building coverage may be increased to sixty percent.

^e Limited to second story or above residential uses unless part of an approved multifamily or mixed use complex.

^f 10 ft. when abutting an RS, RM, or RD district.

^g 12 ft. when abutting an RS, RM, or RD district.

^h 20 ft. when abutting an RS, RM, or RD district.

(Ord. 1877 § 9, 2019; Ord. 1667 § 14, 2010; Ord. 1325 § 3, 1996; Ord. 1286 (part), 1995).

18.16.122 Accessory structures.

The following regulations apply to detached accessory structures such as sheds and garages associated with single-family residences in all zoning districts:

(1) All accessory structures shall meet the minimum front and side yard setbacks in the applicable zoning district and a minimum five-foot setback in the rear yard. All such accessory structures shall also meet the requirements of the building code currently in use by the city at the time of construction for setbacks between buildings.

(2) The maximum building footprint of an accessory structure shall be no greater than the building footprint of the main structure subject to building coverage standards in Table 1.0 in Section [18.16.020](#).

(3) The maximum height of accessory structures shall be limited by the maximum building height for the zoning district in which it is located.

(4) With the exception of approved accessory dwelling units, accessory structures shall not be designed, constructed, or used as habitable structures for living, sleeping, eating, or cooking unless the structure is associated with a business that requires such facilities under which a CUP will be required.

(5) Each accessory structure shall be compatible with the character of the zone in which it is located and the allowed uses therein. Accessory structures in excess of 12 feet in height or 300 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure.

(6) No accessory structure shall create a nuisance or hazard, including noise, dust, or threat to air or water quality or to the well-being of the city and the area in which the accessory use or structure is located. (Ord. 1667 § 11, 2010).

Proposed Change:

18.16.122 Accessory structures.

The following regulations apply to detached accessory structures such as sheds and garages associated with single-family residences in all zoning districts:

(1) All accessory structures shall meet the minimum front and side yard setbacks in the applicable zoning district and a minimum five-foot setback in the rear yard. All such accessory structures shall also meet the requirements of the building code currently in use by the city at the time of construction for setbacks between buildings.

(2) The maximum building footprint of an accessory structure shall be **no greater than the building footprint of the main structure** subject to building coverage standards in Table 1.0 in Section [18.16.020](#). **(REMOVE THE TEXT)**

(3) The maximum height of accessory structures shall be limited by the maximum building height for the zoning district in which it is located.

(4) With the exception of approved accessory dwelling units, accessory structures shall not be designed, constructed, or used as habitable structures for living, sleeping, eating, or cooking unless the structure is associated with a business that requires such facilities under which a CUP will be required.

(5) Each accessory structure shall be compatible with the character of the zone in which it is located and the allowed uses therein. Accessory structures in excess of 12 feet in height or 300 square feet in area shall feature exterior siding similar in appearance to and compatible with the building materials of the primary structure.

(6) No accessory structure shall create a nuisance or hazard, including noise, dust, or threat to air or water quality or to the well-being of the city and the area in which the accessory use or structure is located. (Ord. 1667 § 11, 2010).

18.52.010 Interpretation.

(a) In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements for the promotion of health, safety and general welfare of the public. Therefore, where the provisions of this title impose a greater restriction upon the use of buildings and premises or upon the height of buildings or structures, or require larger open spaces than are imposed or required by other laws, ordinances, easements, regulations, codes or covenants, the provisions of this title shall control.

In case of a conflict between a general requirement and a specific requirement, the least restrictive shall apply.

(b) The planning commission shall review and determine any questions involving the proper interpretation or application of the provisions, use, or district boundaries of this title that may be requested by any property owner, tenant, government officer, department, hearings examiner or commission affected.

(c) Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, administrator may permit such use to be established if it is clearly evident that the use is similar and in conformity with the designated permitted uses of the use district in which it is to be located. When there is doubt as to the proper classification of a use, the planning commission shall rule on the matter. The hearing examiner's decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

The secretary of the planning commission shall keep a record of all interpretations and rulings made by the planning commission, and such decisions shall be binding.

The hearing examiner shall report his/her findings to the planning commission when it appears desirable and necessary to amend this title. (Ord. 1667 § 21, 2010; Ord. 1562 § 6, 2006; Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

Proposed Change:

18.52.010 Interpretation.

(a) In interpreting and applying the provisions of this title, the provisions shall be held to be the minimum requirements for the promotion of health, safety and general welfare of the public. Therefore, where the provisions of this title impose a greater restriction upon the use of buildings and premises or upon the height of buildings or structures, or require larger open spaces than are imposed or required by other laws, ordinances, easements, regulations, codes or covenants, the provisions of this title shall control.

In case of a conflict between a general requirement and a specific requirement, the **most** restrictive shall apply.

(b) The planning commission shall review and determine any questions involving the proper interpretation or application of the provisions, use, or district boundaries of this title that may be requested by any property owner, tenant, government officer, department, hearings examiner or commission affected.

(c) Recognizing that there may be uses not specifically mentioned in this title, either because of advancing technology or any other reason, administrator may permit such use to be established if it is clearly evident that the use is similar and in conformity with the designated permitted uses of the use district in which it is to be located. When there is doubt as to the proper classification of a use, the planning commission shall rule on the matter. The hearing examiner's decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

The secretary of the planning commission shall keep a record of all interpretations and rulings made by the planning commission, and such decisions shall be binding.

The hearing examiner shall report his/her findings to the planning commission when it appears desirable and necessary to amend this title. (Ord. 1667 § 21, 2010; Ord. 1562 § 6, 2006; Ord. 1344 § 1 (part), 1997; Ord. 1286 (part), 1995).

17.36.010 Generally.

An applicant for a short subdivision or subdivision who believes the design standards of Chapter [17.32](#) are inappropriate for the short subdivision or subdivision they are proposing may, as part of their submittal, request a deviation from those standards. All requests for deviations shall be reviewed as a Type III action and be processed in compliance with Title [19](#) and a recommendation regarding the requested deviation shall be made to the planning commission by the administrator and public works director. Recommendations shall be incorporated into the staff report.

(a) The exception request shall specify the design standards they desire to follow and the justification for using those standards rather than those specified in Chapter [17.32](#). Such justification may require preparation of a traffic study (including motorized and non-motorized) at the applicant's expense as determined by the administrator;

(b) The planning commission shall review and evaluate all such requested exceptions to the standards of Chapter [17.32](#), with regard to the following factors:

(1) The comprehensive plan for the area and the suitability of the proposed standards in terms of the plan;

(2) The intensity and intended use of the proposed short subdivision or subdivision: the level of vehicle or pedestrian traffic expected; and level of guarantee, by zoning or commitments prohibiting further subdivision, so that further increases in traffic or density will not occur;

(3) The relationship of the proposed nonstandard street or other improvement to the overall street system or improvements in the area and possible need to extend those streets or improvements to serve adjacent properties that might be further divided; and

(4) The opportunity, by reducing the standards in accordance with subsections (b)(1), (2) and (3) of this section to accomplish a preservation of the natural environmental setting of the area being subdivided. This would occur as a result of having narrower cleared rights-of-way, less need for cuts and fill on cross slope roadways, and by the ability to more closely follow existing terrain if slope standards were relaxed. The intended end result would be less disturbance of vegetation, water courses, wetlands, topography, and riparian habitat.

(c) If the request is for a short subdivision, the planning commission shall consider the request at a public hearing and make a recommendation to the city council.

(d) If the request is part of the application for a subdivision, the request shall be reviewed in conjunction with the subdivision review and the planning commission shall specifically recommend approval, approval with modification, or disapproval of the deviation request as part of their recommendation regarding the subdivision to the city council. (Ord. 1812 § 1 (Exh. A)(part), 2015; Ord. 1226 (part), 1993).

Proposed Change:

17.36.010 Generally.

An applicant for a short subdivision or subdivision who believes the design standards of Chapter [17.32](#) are inappropriate for the short subdivision or subdivision they are proposing may, as part of their submittal, request a deviation from those standards. All requests for deviations shall be reviewed as a Type II action and be processed in compliance with Title [19](#) and a recommendation regarding the requested deviation shall be made to the planning commission by the administrator and public works director. Recommendations shall be incorporated into the staff report.

(a) The exception request shall specify the design standards they desire to follow and the justification for using those standards rather than those specified in Chapter [17.32](#). Such justification may require preparation of a traffic study (including motorized and non-motorized) at the applicant's expense as determined by the administrator;

(b) The planning commission shall review and evaluate all such requested exceptions to the standards of Chapter [17.32](#), with regard to the following factors:

(1) The comprehensive plan for the area and the suitability of the proposed standards in terms of the plan;

(2) The intensity and intended use of the proposed short subdivision or subdivision: the level of vehicle or pedestrian traffic expected; and level of guarantee, by zoning or commitments prohibiting further subdivision, so that further increases in traffic or density will not occur;

(3) The relationship of the proposed nonstandard street or other improvement to the overall street system or improvements in the area and possible need to extend those streets or improvements to serve adjacent properties that might be further divided; and

(4) The opportunity, by reducing the standards in accordance with subsections (b)(1), (2) and (3) of this section to accomplish a preservation of the natural environmental setting of the area being subdivided. This would occur as a result of having narrower cleared rights-of-way, less need for cuts and fill on cross slope roadways, and by the ability to more closely follow existing terrain if slope standards were relaxed. The intended end result would be less disturbance of vegetation, water courses, wetlands, topography, and riparian habitat.

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