# **city of omak**

# **STAFF REPORT**

# **PROPOSED ZONING AMENDMENTS**

to:            PLANNING COMMISSION

from:      STAFF

subject: ZONING AMENDMENTS – FYRE and BREWERY

date:      10/31/2023

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**Applicant:** City of Omak

**Project Description:**

The City Planning Commission, with the assistance of the City Planning Consultant and Building Official has completed the process to review and prepare draft amendments to Title 18 Zoning of the Omak Municipal Code.

**Chronology:**

The Building Official was approached by two different entities during the late spring of this year with inquiries about potential land uses in commercial as well as residential zones. The first inquiry came from a person wanting to have a small-scale brewery as a home occupation in a residential neighborhood. The second inquiry was from the Foundation for Youth Resiliency and Engagement (FYRE), an organization with a plan to build a new facility to provide education and housing for at-risk youth and young adults.

The home-based brewery as a home occupation did not seem to fit the general definition of a home occupation but the person making the inquiry provided several letters and other information supporting his contention that it could be allowed as a home occupation. The type of facility being sought by FYRE did not fit any of the definitions in the code for similar facilities, with the most similar type of use prohibited in the Central Business District where FYRE is located.

The Building Official and Planner discussed both issues and in the case of both decided it would be best to seek the advice of the Planning Commission in interpreting City Code.

The Planning Commission took up the issues at their April, 2023 meeting and decided to pursue potential amendments to the zoning code to address both issues. Subsequent meetings of the Commission in May, June, July and September included discussions on definitions and conditions to potentially permit a small-scale brewery as a home occupation and new definitions tailored to the type of facility that FYRE is proposing. Discussion of both issues entailed deciding where such uses could be allowed under what conditions. During these meetings the proponents of both issues attended one or more of the meetings which greatly assisting Commission members in gaining knowledge about how and what amendments would address the issues.

As a result of the meetings, the Commission directed staff to prepare drafts of proposed regulations which the Commission reviewed during several meetings. The Planning Commission’s review and preparation of draft amendments was completed at its October meeting when a motion was passed to initiate the formal public and SEPA review processes and advertise a Public Hearing for November 7, 2023, at 5:30 pm in City Hall.

**Applicable Codes and City Standards:**

Amendment of the Zoning Code is a Type V, or legislative action. The amendment process is set forth in Chapter 19.05 OMC.

**SEPA, Critical Areas and Shorelines:**

The proposed amendments represent a non-project action therefore there will be no impacts to Critical Areas or Shorelines. However, as amendments to the Zoning Code, as SEPA Checklist was required and a DNS issued. No comments or appeals were received.

**Planning Commission Public Hearing:**

The City of Omak Planning Commission is holding an open record public hearing on November 7, 2023.

**Comments Received:**

The proposed amendments and SEPA checklist were mailed or e-mailed to commenting agencies (see list in project file). As of the date this staff report was prepared, written comments had been received from the following:  Department of Ecology; and, WSLCB.

Copies of all comments are contained in the project file.

**Commenting Agent or Individual**: Department of Ecology

**Nature of Comment:** Provided information about water rights pertaining to potential brewery

**Response:** *None. If permitted such a use will be connected to City water.*

**Commenting Agent or Individual**: WSLCB

**Nature of Comment:** Provided a list of the requirements for licensing a brewery.

**Response:** *None, the list of conditions is either included or referenced in the proposed amendments.*

**Recommendation by Planning Staff:**

Planning staff recommends that the Planning Commission take the following action:

Move to recommend approval of the proposed amendments (AS PRESENTED or AS MODIFIED subject to the Findings of Fact and Conclusions presented in the 10/31/23 staff report.

**Findings of Fact:**

The Planning Commission finds and concludes the following:

1. Chapter 35A.63 of the Revised Code of Washington establishes the City of Omak as the authority with jurisdiction on local zoning code decisions.
2. The review process was initiated by recommendation of the Building Official and Planner.
3. Two written comments were received during the required review process.
4. A SEPA Determination of Non-Significance was issued on October 4, 2023.
5. The proposed amendments to Zoning Code are consistent with the intent, goals and policies of the Land Use Element of the City of Omak Comprehensive Plan.
6. Public Notice requirements regarding the November 7, 2023 public hearing on the proposed amendments was completed. The affidavit of publication for said notice is contained in the project file and is part of the record.
7. The File of Record, Staff Report, and exhibits were received, admitted into the record and considered by the Planning Commission.
8. Any Conclusion of Law that is more correctly a Finding of Fact is incorporated herein as such by this reference.

**Conclusions**

1. The Planning has the authority to recommend amendments to the Zoning Code.
2. The City Council has authority to adopt amendments to the Zoning Code.
3. Any Finding of Fact that is more correctly a Conclusion of Law is incorporated herein as such by this reference.