

**CITY OF WEST RICHLAND
ORDINANCE NO. ____-20**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS AMENDING TITLE 17 OF THE WEST RICHLAND MUNICIPAL CODE, TO SPECIFY THAT STORAGE UNITS/MINI STORAGE ARE NOT PERMITTED AS A PERMITTED OR CONDITIONAL USE IN THE COMMERCIAL LIMITED USE DISTRICT, COMMERCIAL GENERAL DISTRICT, DOWNTOWN MIXED USE DISTRICT, OR THE LIGHT INDUSTRIAL USE DISTRICT, WHICH AMENDS CHAPTER 17 OF THE WEST RICHLAND MUNICIPAL CODE REGULATION

WHEREAS, the interim development regulation will allow staff and the City Council to have additional time to review and understand the potential impacts of storage units/mini-storage facilities in all zones within the City; and

WHEREAS, pursuant to RCW 35A.63.220, the City Council will conduct a public hearing on the interim development regulation contained within this Ordinance within 60 days and shall adopt findings of fact justifying this action immediately after said public hearing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, does hereby ordain as follows:

SECTION 1: Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code, Commercial Limited Use District, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.46.050 Conditional uses.

The following uses are permitted in the C-L district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

- A. Outdoor display in excess of 25 percent of the primary building footprint;
- B. Restaurants, service stations, or convenience stores laid out, equipped or constructed as to allow, enable, or permit:
 - 1. Patrons to be served or accommodated in their vehicle; or
 - 2. The consumption of food, drink or refreshments by patrons while in their vehicles; or
 - 3. The consumption or sales of alcoholic beverages or other alcoholic refreshments;
- C. Garage, filling station or service stations, or any sales of gasoline; provided they meet all requirements of Chapter 17.54 WRMC;
- D. Car washes, automatic, full-service, and self-service;
- E. Hotels and motels;

- F. Garden nurseries and landscape garden centers with storage area for equipment and materials;
- G. Movie theaters;
- H. Undertaking establishments;
- I. Residential use secondary to a business enterprise provided:
1. Dwelling units are constructed in compliance with the Uniform Fire Code and Uniform Building Code and all applicable laws and ordinances;
 2. Shall be within the same building as the principal use and not less than 750 square feet per unit;
 3. If the dwelling units are located on the ground floor, the dwelling units shall not exceed 40 percent of the gross floor area of the structure and shall have bathroom and kitchen facilities separate from the businesses;
 4. Dwelling located on the second floor or above, the dwelling units must meet the building and fire code requirements for combined use structures;
- J. Art studios;
- K. Public or private nursery schools;
- L. Public or private museums and libraries;
- ~~M. Storage units/mini storage; except parcels bordering and/or fronting on arterial roadways as identified in the transportation element of the comprehensive plan;~~
- MN. Adult use business; provided they comply with all of the conditions set forth in WRMC 17.54.450;
- O. On-site hazardous waste treatment and storage facilities as a subordinate use to a permitted or other conditional use; provided, that such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;
- P. Processing or handling of hazardous substances; provided, that such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;
- Q. Major utility facilities, subject to WRMC 17.54.452;
- R. Family day care home, when within a residential use secondary to a business enterprise (subsection I of this section);
- S. Wireless communication facilities subject to Chapter 17.16 WRMC.”

Section 2. Interim Development Regulation:

The following section is hereby adopted in the West Richland Municipal Code, Commercial General Use District, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“**17.48.050 Conditional uses.**

The following uses are permitted in the C-G district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

- A. Landscape gardening and storage area for equipment and materials;
- B. Car washes, automatic, full-service, and self-service;
- C. New and used car sales lots, mobile home sales, and recreational vehicle sales;
- D. Precision development machine shops;
- E. Massage parlors or sauna baths;
- F. Heavy machinery sales and service;
- G. Residential use secondary to a business enterprise provided:
 - 1. Dwelling units are constructed in compliance with the Uniform Fire Code and Uniform Building Code and all applicable laws and ordinances;
 - 2. Shall be within the same building as the principal use and not less than 750 square feet per unit;
 - 3. If the dwelling units are located on the ground floor, the dwelling units shall not exceed 40 percent of the gross floor area of the structure and shall have bathroom and kitchen facilities separate from the businesses;
 - 4. Dwelling located on the second floor or above, the dwelling units must meet the building and fire code requirements for combined use structures;
- H. On-site hazardous waste treatment and storage facilities as a subordinate use to a permitted or other conditional use; provided, that such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;
- I. Processing or handling of hazardous substances provided such facilities comply with the Washington State criteria adopted in accordance with Chapter 70.105 RCW;
- J. Adult use businesses, provided they meet all of the special location conditions as set forth in WRMC 17.54.450;
- K. Major utility facilities, subject to WRMC 17.54.452;
- L. Family day care home when within a residential use secondary to a business enterprise (subsection G of this section);
- M. Amusement parks;
- N. Animal control facilities (indoor);
- O. Accessory buildings (including, but not limited to: shops, garages, gazebos, pergolas, cabanas, patio covers, decks 30 inches or more above grade, and similar structures) for personal use upon properties that contain existing single-family residences. The review authority shall have the discretion to regulate such items as setbacks from property lines or other structures, building height and architectural design (siding material, color, 12-inch eaves,

etc.) to ensure that the proposal is consistent with the overall purpose of the commercial general zoning district. Along with the application materials required under Chapter 17.66 WRMC, applications for accessory building conditional use permits shall also include, at minimum, elevation drawings that clearly indicate building height and architectural design;

P. Care facilities for small animals, such as veterinary clinics, grooming parlors, training and boarding;

Q. Wireless communication facilities subject to Chapter 17.16 WRMC.”

Section 3. Interim Development Regulation:

The following section is hereby adopted in the West Richland Municipal Code, Downtown Mixed Use District, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.49.050 Conditional uses.

The following uses are permitted in the D-MU district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

A. Animal clinics and veterinary hospitals;

B. Commercial parking lots;

C. Commercial recreational uses (entertainment-related uses and event facilities, such as stadiums, auditoriums, exhibition halls and other similar facilities);

D. Large-scale home occupations;

E. Major utility facilities, subject to WRMC 17.54.452;

F. Public uses and uses related to the welfare of the community;

G. Recreation building or area operated by membership clubs for the benefit of members and not for gain;

H. Temporary/seasonal outdoor public markets;

~~I. Expansion of existing mini storage facilities subject to the following:~~

~~1. Vertical and/or horizontal expansion is allowed upon an existing parcel or an immediate adjacent (contiguous) parcel.~~

~~2. Expansion of a mini storage facility shall not occur within 100 feet of the Van Giesen/SR 224 right-of-way.”~~

Section 4. Interim Development Regulation:

The following section is hereby adopted in the West Richland Municipal Code, Light Industrial Use District, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.52.030 Conditional uses.

Uses permitted upon issuance of a special permit, as provided in Chapter 17.66 WRMC, are:

- A. Junkyards, automobile wrecking yards, scrap paper or rag storage, sorting or bailing, provided they are conducted within a building or where entirely enclosed with a solid fence as required by WRMC 17.54.480;
- B. All uses of land, buildings, and structures or industrial processes that are noxious or injurious by reason of production or emission of dust, smoke, or refuse matter, odor, gas fumes, noise, vibration or substances, subject to securing a permit from the planning commission allowing such conditions, and providing such restrictions and safeguards as may be deemed necessary by the planning commission for the purpose of protecting the health, safety and general welfare of the community;
- C. Automobile, motorcycle, horse and dog racing tracks;
- D. Private athletic stadiums;
- E. On-site hazardous waste treatment and storage facilities as a subordinate use to a permitted or other conditional use; provided, that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210; and provided further, however, that a public hearing before the city council may be required before the granting of a permit for such a facility;
- F. Off-site hazardous waste treatment and storage facilities; provided, that such facilities comply with the state siting criteria adopted in accordance with RCW 70.105.210; provided, however, that a public hearing before the city council may be required before the granting of a permit for such facilities;
- ~~G. Storage units/mini storage; except parcels bordering and/or fronting on arterial roadways as identified in the transportation element of the comprehensive plan;~~
- G. Major utility facilities, subject to WRMC 17.54.452;
- H. Jails and secure community transition facilities subject to WRMC 17.54.452 and conforming to the standards of WRMC 17.54.453;
- I. Landfills, subject to WRMC 17.54.452;
- J. Waste transfer stations;
- K. Airports and heliports;
- L. Race tracks, drag strips, motocross tracks, and similar racing facilities;
- M. Animal control facilities (outdoor);
- N. Wireless communication facilities subject to Chapter 17.16 WRMC."

Section 5. Duration. This interim development regulation shall be in effect for six (6) months following the effective date of this ordinance, unless otherwise extended pursuant to RCW 35A.63.220 or earlier repealed by the City Council.

Section 6. Public Hearing Required. As required by RCW 35A.63.220 and RCW 36.70A.390, within sixty (60) days of the passage of this ordinance, the City Council shall hold a public hearing on this ordinance and shall adopt findings of fact justifying this action immediately

after said public hearing. Said hearing shall be 6:00 p.m., Tuesday, April 21, 2020 in the City Council Chambers at 3100 Belmont Blvd, West Richland, WA. The City Clerk is directed to provide notice of such public hearing as required by law.

Section 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested, leading to development that could be incompatible with the codes eventually adopted by the City, specifically in the Commercial Limited, Commercial General, Downtown Mixed Use District and Light Industrial zones. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of applications for Storage Units/Mini Storage use to the City in an attempt to vest rights for an indefinite period of time. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the City, because those property owners with exempt applications/permits, those with previously obtained approvals for development or redevelopment of the type identified as "exempt" may proceed with processing and development, as the case may be.

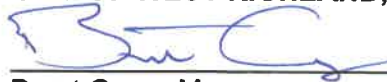
Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 9. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 10. Effective Date. This emergency ordinance, passed by a majority plus one of Council, shall be in full force and effect immediately upon passage.

Section 11. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.


**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON,** this 17th day of March, 2020.


Brent Gerry, Mayor

ATTEST:


Julie Richardson, City Clerk

APPROVED AS TO FORM:


Bronson Brown, City Attorney