

**CITY OF WEST RICHLAND,
ORDINANCE NO. 12-21**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, RELATING TO THE ADOPTION OF FINDINGS AND CONCLUSIONS TO SUPPORT AN EMERGENCY INTERIM DEVELOPMENT REGULATION (AS ADOPTED IN ORDINANCE NO. 8-21), CREATING A DEFINITION FOR TRANSMISSION LINES, ESTABLISHING DEVELOPMENT STANDARDS FOR, AND ALLOWING ITS USE AS A CONDITIONAL USE IN ALL ZONING DISTRICTS WITHIN THE CITY, AND CONFIRMING THE MAINTENANCE OF THE INTERIM DEVELOPMENT REGULATION FOR SIX MONTHS AFTER INITIAL IMPOSITION AS THE EFFECTIVE PERIOD.

WHEREAS, the City Council of the City of West Richland may adopt an immediate interim development regulation ("IDR") for a period of up to six months on the acceptance of certain development permit applications, as long as the City Council holds a public hearing on the proposed interim development regulation within sixty (60) days after adoption, pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the City of West Richland received multiple telephonic and verbal inquiries regarding the Bonneville Power Administration constructing transmission lines in the city of West Richland; and

WHEREAS, the inquiries raised significant concerns by Council members and regarding the public participation and visual impacts of transmission lines; and

WHEREAS, the City Council has expressed increased desire for public input and involvement for projects that can create visual impacts; and

WHEREAS, on March 2, 2021, the West Richland City Council passed Ordinance No. 8-21, imposing an immediate regulation on transmission lines, establishing development standards, creating a definition for transmission lines, and to allow such use as a Conditional Use in all zoning districts; and

WHEREAS, the City held a public hearing on the IDR on May 2, 2021; and

WHEREAS, the City Council finds and concludes that the imposition of the IDR pending an evaluation of the impacts will be in the best interest of the public and will allow Council to make an informed and knowing decision related to future development and zoning regulations; and

WHEREAS, the City Council desires to enter findings and conclusions in support of the continued maintenance of the IDR for a period of six months after its adoption;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this IDR is to maintain the status quo by providing the City with adequate time to appropriately study the health, safety, environmental, economic, traffic and other potential adverse impacts of transmission lines uses within the City of West Richland, and to determine whether the use meets the Comprehensive Plan goals and policies and Council's desire to promote public process and input and aesthetic impacts.

Section 2. Public Comment and Input. On May 2, 2021, the City Council held a public hearing on the interim development regulation imposed on March 2, 2021.

A. Staff Presentation

Eric Mendenhall, Director of the City of West Richland Community Development Department, began the public hearing by explaining how the topic of transmission lines came before Council. Mr. Mendenhall explained that since late 2020 city staff has received multiple inquiries and information regarding an upcoming BPA project to construct a transmission line within the city limits. As the code did not allow for public input on these facility and how they might be sited and aesthetically mitigated, staff initiated code that would address these concerns.

Mr. Mendenhall informed the Council this action will allow staff, the Planning Commission and City Council 6 months to review this land use in the zones, how it is currently allowed and aesthetics to determine where and how it would be an appropriate use.

Council requested that the City staff notice the property owners in the zones affected.

B. Public Comments

During the March 2, 2021 public hearing, there was no public comments received after the Mayor opened up the meeting for public comment.

C. Written Comments

There have been no written comments submitted to the City in writing prior to the April 6, 2021 at 5pm deadline. Eric Mendenhall did provide a copy of the IDR to BPA and has not received a response.

Section 3. Findings of Fact and Conclusions of Law.

The City Council of the City of West Richland hereby makes the following findings:

- A. Prior to the adoption of this Interim Development Regulation, transmission line uses, were defined as a minor utility facility, and allowed as a permitted use in all zoning districts, except for City Parks (CP) within the city limits. In light of BPA's desire to develop a transmission line from Red Mountain through the City of West Richland to the north and the lack of public involvement and regulation to help mitigate visual impacts staff found it appropriate to initiate the IDR and establish the use as a conditional use in all zoning districts.
- B. The City finds and concludes that the imposition of the interim development regulation establishing a definition and development standards for transmission lines and allowing said use as a conditional use in all zoning districts to address any submission of applications for additional transmission lines within the City for a period of six months pending an evaluation and comprehensive study and analysis of the rules and regulations will be in the best interest of the public health, safety and welfare, as without the IDR in place there is a risk that development applications for transmission lines could vest under existing codes, thereby thwarting the efforts of the Council and depriving Council of the opportunity to address potential economic concerns through informed zoning regulations.
- C. Pending the results of the above-referenced and requested studies and analysis by independent experts and agencies, the City Council finds that the interim development regulation allowing the submission of applications for transmission lines under the interim regulations in all zoning districts, imposed by Ordinance No. 8-21 shall continue for at least the six-month period allowed by state law, or thereafter extended pursuant to law, based on the above facts.

Section 4. Interim Development Regulation Maintained. On the basis that prior to the adoption of the Interim Development Regulation, any applicant within the city could have vested to site a transmission line facility prior to the Council having received a full report analyzing the impacts, the Council has determined that the IDR was necessary to prevent the expansion of a potentially undesirable or incompatible use within the City. The IDR shall be maintained on the acceptance of all permit applications for transmission lines in all zoning districts within the city for a period of six months, unless otherwise extended pursuant to law.

The City Council hereby directs the City Clerk to schedule consideration of the interim development regulation and the results of staff's analysis prior to the expiration of this interim development regulation, and directs that the staff analysis be presented to Council by June, or the soonest available meeting thereafter.


Section 5. Termination. The Council shall make the decision to terminate the interim regulation by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. 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

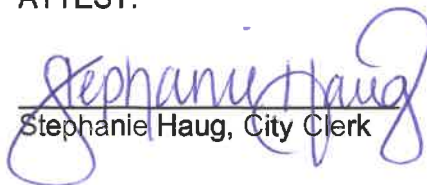
Section 8. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 6th day of April, 2021.



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney

**CITY OF WEST RICHLAND
REMOTE CITY COUNCIL MEETING
TUESDAY, MARCH 2, 2021**

1. Call to Order – Mayor Gerry called the meeting to order at 6:00 p.m.

2. Roll Call –

Present:

Mayor Brent Gerry
Mayor Pro Tem Fred Brink
Councilmember Richard Bloom
Councilmember Gail Brown
Councilmember David Fetto
Councilmember Kate Moran
Councilmember John Smart

Police Chief Ben Majetich
Finance Director Erin Gwinn
Public Works Director Roscoe Slade
Comm. Dev. Director Eric Mendenhall
Associate Planner Elisha Ransom
City Clerk Stephanie Haug
City Attorney Bronson Brown

Absent:

Councilmember Rich Buel

Mayor Pro Tem Brink moved to excuse Councilmember Buel. Councilmember Brown seconded the motion. Council unanimously approved the motion.

3. Pledge of Allegiance –

Mayor Gerry led the council, staff, and audience in the Pledge of Allegiance.

4. Approval of Agenda –

Upon motion by Mayor Pro Tem Brink, seconded by Councilor Fetto, Council unanimously approved the agenda as updated by Clerk Haug prior to the meeting.

5. Presentation- There were no presentations.

6. Consent Agenda – Mayor Gerry read the consent agenda titles for consideration.

a. Approve Minutes- Regular Meeting February 16, 2021 & Workshop February 23, 2021

b. **RES. 09-21** – Approving the Heights @ Red Mountain Phase 2 Security Agreement

RESOLUTION NO. 09-21- A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AND EXECUTE A SECURITY AND IMPROVEMENT AGREEMENT.

c. Motion to approve the Heights @ Red Mountain Phase 2 – Final Plat

Upon motion by Mayor Pro Tem Brink and seconded by Councilmember Moran, Council unanimously approved the consent agenda.

7. ORDINANCES, RESOLUTIONS, MOTIONS AND PUBLIC HEARINGS-

a. **Public Hearing - Interim Development Regulation – Transmission line standards**

Comm. Dev. Director Eric Mendenhall presented an ordinance for public hearing and action to adopt interim development regulations that will install interim development regulations on this type of development and allow staff, Council and the Planning Commission time to review this use in these zones and to allow public process and input.

Mayor Brent Gerry opened the public hearing at 6:10 p.m.

There were no comments.

Mayor Brent Gerry closed the hearing at 6:10 p.m.

b. ORD. 08-21- Interim Development Regulation – Transmission line standards

ORDINANCE NO. 08-21- 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 TRANSMISSION LINES ARE ALLOWED AS A CONDITIONAL USE IN ALL DISTRICTS, ESTABLISHES A DEFINITION FOR SAID USE, AND DEVELOP REGULATIONS AND STANDARDS FOR TRANSMISSION LINES AND STRUCTURES;

Councilmember Brown moved to approve Ordinance 08-21. It was seconded by Councilmember Moran. After a brief discussion, City Council unanimously approved Ordinance 08-21.

c. Motion to authorize staff to submit RCCF project application to Benton County

Public Works Director Slade presented a staff report with information about proposed projects to submit to Benton County as part of the Rural County Capital Fund program. The projects include the SR 224 I Van Giesen Water Main Project, the SR 224 I Van Giesen Sewer Crossings Project, and the SR 224 I Van Giesen Water Main Extension to Raceway Project for a total phase 1 cost of \$1,862,000.

Mayor Pro Tem Brink moved to authorize staff to submit an application for Phase 1 projects for use of Rural County Capital Funds with Benton County. It was seconded by Councilmember Smart. After a brief discussion, City Council unanimously approved the motion.

d. RES. 05-21- Amending 2021 – 2026 Six-Year Transportation Improvement Program

(From 2/2/21)

Public Works Director Slade presented a resolution to amend the 2021 – 2026 Six-Year Transportation Improvement Program to include the Keene Road/Bombing Range Road intersection revision. This item was discussed on February 2, 2021, and was postponed until tonight to allow staff to provide some answers to questions brought up during the first discussion. Mr. Slade’s report included all public comments received prior to the meeting and more information as requested by Council. Clerk Haug read a comment from Lisa Nelson, West Richland, on the proposed amendment.

RESOLUTION NO. 05- 21- A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, AMENDING THE 2021-2026 SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN.

Mayor Pro Tem Brink moved to approve Resolution 05-21. It was seconded by Councilmember Smart. Council held a discussion regarding alternative solutions, as well as the necessity for the project and the anticipated project timeline. Mayor Pro Tem Brink and Councilmember Smart presented their conclusions for approving the amendment. Councilmember Fetto mentioned that he had spoken to Fire District #4 and they are a proponent of a signaled intersection as it allows for faster response times. A roll call vote was called by Mayor Gerry, with Councilmembers Fetto, Smart, Brink and Brown voting in the affirmative, and Councilmembers Moran and Bloom voting nay. Resolution 05-21 passed with a 4-2 vote.

8. Unfinished Business – There was no unfinished business.

9. New Business – There was no new business.

10. Citizen Public Comments- No citizens provided comment.

11. Announcements, Reports & Comments

a. Staff Reports

Community Development Director Mendenhall reported that he participated in an Economic

Outlook event with TRIDEC, and it can be viewed online.

Chief Majetich reported on a recent Washington State Supreme Court regarding drug possession ruling that dramatically impacts public safety.

b. Council Reports

Councilmember Brown commented that she believes the current legislative climate is targeting police departments and inquired if people who were affected by this recent ruling would seek restitution.

Councilmember Smart added to the PD legislation comments, and mentioned that Council should read up on the Constitution, specifically the 5th and the 14th Amendments, as future items before them may be considered a taking.

Councilmember Moran provided additional information regarding the recent Supreme Court ruling and mentioned that she would like to speak with the Chief regarding the law enforcement legislative topics.

Councilmember Brown stated she would like to hear a presentation on the legislation from the Chief. She reported that the Van Giesen project has ranked 2nd at Good Roads and that she's been keeping an eye on the transportation issues moving through the house.

Councilmember Bloom updated Council on the status of the transit's COVID vaccine support. Currently, the command at the mass vaccination site does not allow buses to enter, but the vaccine should soon be available at drug stores, which Dial-A-Ride buses could take riders to. He also reported that the Conservation District is continuing to plan their Yakima River star grass removal.

Councilmember Moran reported on her attendance at the BFCOG economic board meeting on the 19th. Traffic counts will occur in August of this year.

Mayor Gerry updated Council on an upcoming workshop on March 9th to discuss the proposed Horse Heave Wind Farm as well as a legislative presentation from Chief Majetich. He also provided a mass vaccination site update.

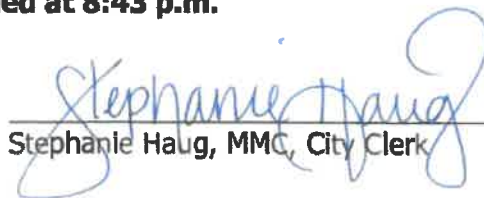
12. Executive Session –

- a. Mayor Gerry announced the City Council will adjourn into Executive Session for 30 minutes to discuss three items pursuant to RCW 42.30.110-1C -to consider the minimum price at which real estate will be offered for sale or lease at 8:12pm.

13. Adjournment - The meeting was adjourned at 8:43 p.m.



Brent Gerry, Mayor



Stephanie Haug, MMC, City Clerk