

**CITY OF WEST RICHLAND
ORDINANCE NO.28-21**

AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON, AMENDING THE WEST RICHLAND MUNICIPAL CODE TO AMEND SECTION 14.01.030, PROJECT PERMIT APPLICATION PROCESS TO ADD A NEW PERMIT TYPE FOR DESIGN REVIEW; AND (2) AMENDING SECTION 14.10, CREATING A NEW CHAPTER ESTABLISHING THE PROCEDURE FOR TYPE II.B PERMITS AND DESIGN REVIEW AND ADOPTS THE CITY OF WEST RICHLAND DESIGN AND DEVELOPMENT GUIDELINES.

WHEREAS, the City Council finds that it is in the public interest to regulate the design and character of commercial and industrial design within the commercial and industrial districts; and

WHEREAS, the City Council finds that it is in the public interest to establish regulations, guidelines and standards for commercial and industrial development; and

WHEREAS, the City Council finds that it is in the public interest to establish the design and development guidelines to help protect commercial and industrial development investments in the community; and

WHEREAS, the City Council supports economic and commercial development within the City; and

WHEREAS, on June 30, 2020, the City's Community Development Department issued a State Environmental Policy Act (SEPA) threshold determination of DNS (Determination of Non-significance) on the proposed changes; and

WHEREAS, in accordance with RCW 36.70A.160, on October 5, 2021, the City's Community Development Department transmitted the proposed text changes to the State Department of Commerce and request expedited review and the request was granted on October 6, 2021; and

WHEREAS, on October 14, 2021 the Planning Commission held a duly noticed public hearing to receive public testimony on the proposed changes and accepted all testimony from anyone wishing to speak for or against changes, and deliberated on the proposed changes; and

WHEREAS, on October 14, 2021, the Planning Commission voted unanimously to accept the staff's recommended findings, conclusions, and recommendations on the proposed amendments; and unanimously recommend Council approve of the proposed amendments; and

WHEREAS, the City Council reviewed the proposed amendments in a duly noticed public hearing on November 16, 2021; and

WHEREAS, all parties wishing to comment on the proposed amendments were given an opportunity to do so;

WHEREAS, on November 16, 2021, the City Council voted to approve the zoning code amendments; and

WHEREAS, the City Council finds it prudent and in the public interest to adopt the proposed amendments by ordinance;

SECTION 1: That West Richland Municipal Code Chapter 14.01.030 — Project permit application process, is hereby amended
to read as follows:

	ADMINISTRATIVE				QUASI-JUDICIAL			LEGISLATIVE	
	TYPE I	TYPE IIa	TYPE II.b	TYPE III	TYPE IV	TYPE V	TYPE VI	TYPE VII	
Preapplication conference required:	No	Yes (unless waived)	Yes (unless waived)	Yes	Yes	Yes	Yes	Yes (unless waived)	
Notice of application:	No	No	No	Yes	Yes	No	Yes	No	
Open record hearing by:	None	None (however, if the director's decision is appealed, open record hearing before city council)	None (however, if the director's decision is appealed, open record hearing before Planning Commission)	Planning commission	Planning commission (to issue a recommendation)	None	Board of adjustments	Planning commission (to issue a recommendation) and/or city council	
Closed record hearing by:	None	None	None	(none, unless appealed) city council	City council	None	None	None (all hearings are open record for legislative matters) City council	
Decision-maker:	Director	Director	Director	Planning commission	City council	City council	Board of Adjustment		
Judicial or hearings board appeal:	Yes; judicial—see Chapter 36.70C RCW	Yes; judicial—see Chapter 36.70C RCW; decisions on shoreline letters of exemption are appealed to the state of Washington Shorelines Hearing Board	Yes; judicial—see Chapter 36.70C RCW	Yes; judicial—see Chapter 36.70C RCW	Yes; judicial — see Chapter 36.70C RCW; decisions on shoreline permits are appealed to the state of Washington Shorelines Hearing Board	Yes; judicial — see Chapter 36.70C RCW	Yes; judicial—see Chapter 36.70C RCW	Yes; decisions on the comprehensive plan are appealed to the Growth Management Hearings Board	

B. Classification of Project Applications.

1. Type I. Type I applications include:

- a. Permits for permitted uses not requiring site plan review by the planning commission or city council (where site plan review is conducted at staff level, including clearing and grading permits, floodplain permits).
- b. Lot/boundary line adjustments (Chapter 16.10 WRMC) and other subdivision of land exemptions (WRMC 16.02.030).
- c. Revisions of preliminary subdivisions, short plats and binding site plans that do not result in a substantial change (minor changes) (WRMC 16.04.14).
- d. Minor amendments to planned unit developments.
- e. Temporary use permits (i.e., construction trailers, itinerant merchant licenses, temporary living quarters during construction, etc.).
- f. Preliminary and final short plat approvals and short plat amendments.
- g. Administrative variances.
 - i. Note: Public notice must be provided following the requirements of WRMC 14.03.010 including a 10-day comment period prior to the decision; however, no hearing will be held.
- h. Permit for a wireless communication facilities — co-location only.

2. Type II.a. Type II.a applications include:

- a. Sign permits.
- b. Administrative interpretations.
- c. Final binding site plans (Chapter 16.06 WRMC).
- d. Wetland reviews, when no other permit review is required (WRMC 18.25.080).
- e. Administrative variances (Chapter 17.70 WRMC).
- f. Shoreline letters of exemption (Chapter 18.08 WRMC).
- g. Critical areas exemptions (WRMC 18.25.510), including reasonable use exceptions (WRMC 18.25.530).
- h. Small-scale home occupation permits (WRMC 17.54.047).
- i. SEPA threshold determinations (Chapter 18.04 WRMC).

3. Type II.b. Type II.b applications include:

- a. Design Review of developments outlined in WRMC 14.10.020.

4.3, Type III. Type III applications include:

- a. Conditional use permits (Chapter 17.66 WRMC).

5.4-Type IV. Type IV applications include:

- a. Preliminary plats (Chapter 16.05 WRMC).
- b. Preliminary PUD (Chapter 17.80 WRMC).
- c. Preliminary binding site plans (Chapter 16.06 WRMC).

- d. Plat alterations and vacations (WRMC 16.04.140).
- e. Major amendments to a PUD (Chapter 17.80 WRMC).
- f. Site-specific rezones (Chapter 17.78 WRMC).
- g. Shoreline substantial development, shoreline conditional use, and shoreline variance applications.
- h. Nonconforming use exceptions (WRMC 17.72.140).
- i. Revisions of preliminary subdivisions, short plats and binding site plans that result in a substantial change (major changes) (WRMC 16.04.140).

6.5, Type V. Type V applications include:

- a. Final plats (WRMC 16.04.130).
- b. Final PUD (WRMC 17.80.150).

7.6 Type VI. Type VI applications include: a. Variances (Chapter 17.69 WRMC or WRMC 18.25.520).

8. Type VII. Type VII applications include:

- a. Comprehensive plan amendments (Chapter 14.09 WRMC).
- b. Development regulations (Chapter 17.78 WRMC).
- c. Zoning ordinance text amendments (Chapter 17.78 WRMC).
- d. Area-wide zoning map amendments (Chapter 17.78 WRMC).
- e. Development agreements (Chapter 14.08 WRMC).
- f. Annexations (Chapter 35A.14 RCW).
- g. Shoreline Master Program amendment

SECTION 2: That West Richland Municipal Code Chapter 14.10 — Design and Development Guidelines, is hereby amended to read as follows:

Chapter 14.10

DESIGN AND DEVELOPMENT GUIDELINES

Sections:

14.10.010 Purpose.

14.10.020 Types of review.

14.10.030 Procedures.

14.10.040 Design guidelines adopted.

14.10.050 Compliance.

14.10.010 Purpose.

The purpose of this chapter is to establish the types of developments which shall be subject to design review pursuant to the adopted design guidelines. Further, the chapter shall establish the design guidelines for the city of West Richland.

14.10.020 Types of review.

1. All development which falls under the thresholds provided in this section shall be subject to design review as provided for in chapter 14.01 WRMC. Procedures for Land Use Permits.
2. The following types of projects shall require design review according to the procedures for Type 11.0 decisions. chapter 14.01.030 WRMC Project permit application process:
3. Building permits for exterior renovations on commercial, multifamily light and heavy manufacturing, or mixed-use structures, including, but not limited to, new awnings, alterations to exterior treatments, changes to windows and doors, and similar activities which do not increase the square footage more than 500 square feet.
4. Accessory structures associated with multifamily developments and containing no residential units.
5. Minor amendments to previous permits involving Type II.b decisions.
6. Any new light or heavy manufacturing development.
7. Any new commercial parking lot.
8. Any new commercial development with total building(s) gross floor area more than 2,500 square feet.
9. Any new commercial development that exceeds 2,500 square feet.
10. Any construction of a principal or attached accessory structure or structures within a commercial limited zone.
11. Any mixed-use development which exceeds 1,500 square feet.

14.10.030 Procedures.

The procedures for design review shall be as provided in chapter 14.01 WRMC Procedures for Land Use Permits. The director hearing examiner, and city council shall be responsible for the implementation and enforcement of the design guidelines as provided for under chapter 14.01 WRMC. The design commission, as established by ordinance, shall be advisory to the director, hearing examiner and city council.

14.10.040 Design guidelines adopted.

The following documents shall be utilized in design review as appropriate to the proposed developments listed in WRMC 14.01.020.

A. The city hereby adopts the design guidelines published in the "City of West Richland Design and Development Guidelines" which shall be applied to the developments as listed in WRMC 14.01.020.

C. For review of uses the goals and policies of the community character element of the West Richland comprehensive plan shall be utilized.

14.10.050 Compliance.

No permit for construction or a use subject to these design guidelines shall be issued until the plans are in compliance with the guidelines. All such developments shall be in compliance with the guidelines upon occupancy. All such developments shall be maintained

in compliance for the life of the structure. The director may allow bonds or other guarantees to ensure the completion of a project consistent with approved plans.

SECTION 3. 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 4. 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 5. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication, as provided by law.

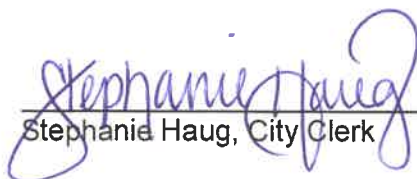
SECTION 6. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, this 16th day of November 2021.



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney