

**CITY OF WEST RICHLAND
CITY COUNCIL MEETING
TUESDAY, JUNE 7, 2011**

1. **Call to Order** – Mayor Noski called the meeting to order at 7:00 p.m.
2. **Roll Call** – **Mayor Donna Noski and Mayor Pro Tem Buel were present.** Council Members Tony Benegas, Richard Bloom, Gail Brown, Ken Dobbin, and Merle Johnson were also present. Staff members present were Senior Planner Aaron Lambert, Community Development Director Bob Leedy, Police Chief Brian McElroy, Finance Director Jessica Platt, Economic Development Director Ruth Swain, City Engineer Drew Woodruff, City Attorney Bronson Brown and City Clerk Julie Richardson.

Upon motion by Councilmember Benegas, seconded by Councilmember Brown, Council unanimously excused Councilmember Gerry from the meeting.

3. **Pledge of Allegiance** – Councilmember Bloom led the Council, staff, and audience in the recitation of the Pledge of Allegiance.
4. **Approval of Agenda** – Councilmember Johnson requested that consent agenda item 6h, "Award Engineering Services Contract to Spink Engineering", be moved to item 7i under Ordinances, Resolutions, Motions, and Public Hearings. He also asked to add an item under New Business, "Joint Meeting with City of Richland."

Upon motion by Councilmember Bloom, seconded by Mayor Pro Tem Buel, Council unanimously approved the agenda as revised.

5. **Presentations** – There were no presentations.
6. **Consent Agenda** – *Upon motion by Councilmember Brown, seconded by Councilmember Benegas, Council unanimously approved the consent agenda as revised in item 4.*
Skip Novakovich, President of Port of Kennewick Commission, speaking about the joint resolution on the consent agenda, said the Port unanimously approved the resolution during their last meeting and they are very excited for the opportunity to work together on the committee.

- a. **Approve Payment of Bills**
- b. **Approve Minutes of Council Meeting of May 16, 2011**
- c. **Accept Crack Sealing Project As Complete**
- d. **RES – Relating to Surplus Property**
- e. **RES – Joint Resolution with Port of Kennewick Authorizing Economic Development Efforts and Establishing a Joint Development Committee**
- f. **RES – Authorizing Submittal of a Grant Application to the HAEIFC for Funding Assistance to Assist in the Yakima Gateway Van Giesen Redevelopment Project**
- g. **RES – Authorizing Submittal of a Grant Application to the HAEIFC for Funding Assistance to Extend Natural Gas from Belmont to the Red Mountain Center**
- h. *This item was moved to agenda item 7i.*
- i. **Authorize Mayor to Execute Booster Pump Station Co-Location Inter-Local Agreement with City of Richland**
- j. **RES – Setting Public Hearing for Amending Section 8 Roadway Plan**
7. **Ordinances, Resolutions, Motions, and Public Hearings – a. Public Hearing – Comprehensive Plan Amendments – Senior Planner Lambert** presented a recommendation to accept the Planning Commission recommendation to approve the 2010 Comprehensive Plan amendments. He noted that the amendments, as docketed by the City Council, were introduced to the Planning Commission at their November 11, 2010 workshop,

and discussed in two subsequent workshops. The public hearing was held on March 10, 2011. The City Council amended the comprehensive plan docket originally approved on October 18, 2010. The amendment removed from consideration the designation of commercial to those properties found in the Austin Drive & Bombing Range Road area. If a motion of approval is granted, an ordinance will be on the consent agenda for the June 21st, regular Council Meeting.

Mayor Noski opened the public hearing at 7:10 p.m. There being no public testimony, Mayor Noski closed the hearing at 7:10 p.m.

Councilmember Johnson is opposed to changes listed as number 20 and 23 on Exhibit B because he feels the changes will drastically change the existing neighborhoods.

Councilmember Dobbin said he can't vote in favor of the changes this evening because he did not receive the 2008 Housing Needs Assessment or the public health and safety element that he requested so he does not have sufficient information.

Councilmember Brown moved to approve the 2010 West Richland Comprehensive Plan amendments, subject to the findings and conclusions of the Planning Commission. Councilmember Benegas seconded the motion and it carried by 4-2 majority vote as follows:

Yes: Mayor Pro Tem Buel, Council Members Benegas, Bloom, Brown
No: Council Members Dobbin and Johnson
Absent: Councilmember Gerry

b. Public Hearing – 2012-2017 Six Year Transportation Improvement Program – City Engineer Drew Woodruff presented the 2012-2017 Six Year Transportation Improvement Program (TIP) for public hearing and discussion. He noted that the TIP is made up of various projects that are shown in the proposed amendment to the Transportation Element of the City's Comprehensive Plan, and he provided an overview of the projects.

Councilmember Dobbin asked if the Paradise Way widening project could be extended beyond Belmont.

Councilmember Johnson asked if it is possible to swap project #2-Keene Road overlay and #5-Bombing Range Road Phase 8, because the new apartment building will add to traffic and also there will be more children in the area.

City Engineer Woodruff advised that funding is in place for projects #1 and #2 so those have to stay in place. He will look into moving #5 up on the list.

Councilmember Benegas urged citizens to provide their input on the Transportation Improvement Program.

Mayor Noski opened the public hearing at 7:38 p.m.

John Smart asked if this type of plan addresses improvements and maintenance of roads, like Collins Road. He said that Collins Road will see an increase in traffic with new developments. He also mentioned the recent flooding and said the drainage ditches on the side are in need of work.

City Engineer Woodruff responded that he will check on what classification of roads can be on the Transportation Improvement Program. He also advised that Staff is discussing storm drainage on Collins Road.

Councilmember Johnson said Collins Road is very dangerous for pedestrians and he would like to see a shoulder on the road.

There being no additional public testimony, Mayor Noski closed the hearing at 7:40 p.m.

Mayor Pro Tem Buel requested a report be included in the staff report for the June 21st meeting that addresses the concerns brought up by Councilmember Johnson and John Smart.

c. **Public Hearing – Amending Title 17 to Allow Duplexes in RM-6, RM-10 & RM-12.5 Zones – Community Development Director Leedy** presented a recommendation to approve a proposed amendment to allow duplexes within the RM-6, RM-10, and RM-12.5 zoning districts. He noted that a public hearing was held during the May 16th Council meeting. Following the hearing, City Council requested that three changes be made to the ordinance. The changes include requiring a duplex to be built as two separate units (fire wall between the units), capping the percentage of duplexes within a preliminary plat at 10% of the development, and requiring a note to be placed on the final plat indicating which lots may contain a duplex. These changes have been included in the ordinance.

Mayor Noski opened the public hearing at 7:47 p.m.

Peggy Panisko asked for verification that the ordinance only includes new areas that are not developed.

Community Development Director Leedy confirmed that the ordinance only includes new developments.

John Smart feels the ordinance is too broad-sweeping. He feels this type of proposal should be requested on a case-by-case basis by the developer. He is concerned this ordinance could result in areas of high density housing in areas people might not want it in the future.

There being no additional public testimony, Mayor Noski closed the hearing at 7:50 p.m.

d. **ORD – Amending Title 17 to Allow Duplexes in RM-6, RM-10 & RM-12.5 Zones – Senior Planner Lambert** presented a recommendation to approve ordinance 14-11 as delineated in item 7c.

ORDINANCE 14-11 - AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON AMENDING WEST RICHLAND MUNICIPAL CODE SECTIONS 17.27, 17.30, 17.31, 17.54.050 (AREA AND DIMENSIONAL REGULATIONS), 17.54.050 (NOTES TO TABLE), AND ADDING 17.54.050 (FIGURE 1), RELATING TO ALLOWANCE OF DUPLEXES WITHIN THE RM-6, RM-10, RM-12.5 ZONING DISTRICTS

Councilmember Brown moved to approve the proposed amendment to allow duplexes with the RM-6, RM-10, and RM-12.5 zoning districts, as shown in the ordinance and attachment A of the ordinance. Councilmember Bloom seconded the motion.

Councilmember Dobbin has an issue with the ordinance not being consistent with the Comprehensive Plan. He recommended going back through the Comprehensive Plan process with adequate public process.

Councilmember Johnson agreed and feels the ordinance can be held until the Comprehensive Plan can be amended.

Councilmember Bloom said the additions the Council requested gives developers an opportunity to buffer some areas that otherwise might not be developable. He said it is not in conflict with the Comprehensive Plan.

The previously stated motion to approve the proposed amendment to allow duplexes with the RM-6, RM-10, and RM-12.5 zoning districts, as shown in the ordinance and attachment A of the ordinance, carried by 4-2 majority vote as follows:

Yes: Mayor Pro Tem Buel, Council Members Benegas, Bloom, Brown
No: Council Members Dobbin and Johnson
Absent: Councilmember Gerry

e. **Closed Record Hearing – Preliminary Plat of Sunset Ridge 2 – Senior Planner Lambert** presented a recommendation to approve the proposed preliminary plat of Sunset Ridge 2, with the conditions listed in the staff report. He noted that the applicant requested to subdivide 14.84 acres into 39 single family lots (ranging from 11,007 sq. ft. to 14,994 sq. ft.). The property is located northerly and adjacent to Sunset Ridge subdivision, about 650 ft. north of Paradise Way, and ¼ mile west of Belmont Blvd. Mr. Lambert advised that the applicants requested a variance from condition #5, a habitat mitigation fee

of \$1,484, and #22, installation of a complete dry irrigation system. He said Fish and Wildlife recommended an assessment fee of \$7,500 but Staff felt that was not a reasonable fee so reduced it to \$1,484.

There was a question regarding the septic system and if it had to be removed or just closed.

Senior Planner Lambert said the applicant will work with the Department of Health and prior to final plat the City will receive notification that the requirements have been met.

There was discussion regarding the requirement for a dry irrigation system, and also whether there will be adequate water pressure for the needs of the house and sprinklers, and requirements for individual pumps and bladder tanks to ensure adequate water pressure. Also, how the City ensures there is adequate water pressure for fire hydrants.

City Engineer Woodruff explained how the engineering modeling and studies were done and said there are conditions based on the modeling that ensure adequate water pressure.

Mayor Pro Tem Buel proposed that Council conduct a workshop on dry irrigation system requirements.

City Attorney Brown stated, "The purpose of this closed record appeal is for the City Council to consider the pertinent facts, applicable law and to make a final decision on the application for approval of the preliminary plat of Sunset Ridge 2.

The Appearance of Fairness Doctrine applies to this hearing. That document requires that this hearing be fair, in form, substance and appearance. The hearing must not only be fair, it also must appear to be fair. Therefore, at this time I would like to ask a few questions of the Council."

Has any member of the Council engaged in communication with opponents or proponents regarding this issue outside of the public hearing process? *There were none.*

Will any member of the Council obtain any financial benefit or suffer a financial loss as a result of the outcome of this hearing? *There were none.*

Is there any member of the Council who believes that he or she cannot hear and consider this application in a fair and objective manner? *There were none.*

Is there any member of the public, either proponent or opponent of this matter, who objects to the participation of any of the Council Members in hearing this matter? *There were none.*

Mayor Noski opened the closed record hearing at 8:13 p.m.

Derek Alexander, one of four partners for Sunset Ridge 2, clarified that the septic system will be compacted and removed. Regarding the habitat mitigation fee, he spoke with Mr. Bartrand from the Department of Fish and Wildlife, who said Council has the option of not acting on his recommendation for the mitigation fee as there is no requirement to follow it.

Terry Barnes, a partner for Sunset Ridge 2, discussed the requirement for dry irrigation systems. He has seven short plats and subdivisions where he has installed dry irrigation systems and there is no irrigation there and probably never will be. For Sunset Ridge 2, he has spoken with Kennewick Irrigation District who advised they will not be able to supply water there, and currently the partners are working with Columbia Irrigation District about them providing irrigation.

There being no additional public testimony, Mayor Noski closed the hearing at 8:29 p.m.

f. Motion to Approve Preliminary Plat of Sunset Ridge 2 – Senior Planner Lambert presented a recommendation to approve the preliminary plat of Sunset Ridge 2 as delineated in item 7e.

Councilmember Benegas asked City Attorney Brown what would be the basis for approval or rejection of the plat.

City Attorney Brown responded that if Council determines that Planning Commission and Staff followed the codes and statutes in developing the conditions of the plat, it should be approved. The other option is to modify the conditions.

Councilmember Johnson said he would like to add lighting requirements as a topic for the workshop on dry irrigation systems.

Councilmember Bloom would like to amend condition #26 to say the septic system must be removed per Department of Health or City requirements.

Councilmember Brown moved to approve the preliminary plat of Sunset Ridge 2, subject to the findings and conclusions of the Planning Commission, and to the Plat Conditions listed in Exhibit 2, with the change to say removal of septic system in condition #26. Councilmember Benegas seconded the motion.

Councilmember Dobbin commented that the plat allows 26 lots to have secondary rental units, and he sees nothing mitigating those secondary rental units. He also said that the lot area sizes need to be mitigated and it needs to be a joint effort between the City and Benton County Fire District #4 per WRCM 16.14.

Community Development Director Leedy advised that Staff's recommendation remains the same as Planning Commission's and the motion stated. He said the plat meets the requirements of the West Richland Municipal Code and State and Federal requirements.

The previously stated motion to approve the preliminary plat of Sunset Ridge 2, subject to the findings and conclusions of the Planning Commission, and to the Plat Conditions listed in Exhibit 2, with the change to say removal of septic system in condition #26 carried by 4-1 majority vote as follows:

Yes:	Mayor Pro Tem Buel, Council Members Benegas, Bloom, Brown
No:	Councilmember Dobbin
Abstain:	Councilmember Johnson
Absent:	Councilmember Gerry

9. Closed Record Hearing – Preliminary Hyde Park Plat Alteration – Senior Planner Lambert presented a recommendation to approve the Preliminary Plat Alteration of Hyde Park, subject to the conditions outlined in Exhibit 2 of the staff report. He noted that the revision would alter the layout of the preliminary plat and reduce the number of lots from 106 to 65. The preliminary platting of the 32.59 acre site was initially approved on January 7, 2002. The preliminary approval in its current configuration must be constructed on or before January 7, 2012. He pointed out that a condition was added to require that pedestrian access be provided. Also, a conditional use permit for a steeple was applied for and granted.

Councilmember Benegas asked about a deceleration lane that was previously required.

City Engineer Woodruff responded that turnout lanes are a requirement in the plat.

Senior Planner Lambert read from the SEPA, mitigation #5, which requires a deceleration lane.

Councilmember Johnson is concerned because there is no park and originally, it included Harvest Meadow Park.

City Attorney Brown stated, "The purpose of this closed record appeal is for the City Council to consider the pertinent facts, applicable law and to make a final decision on the application for approval of the preliminary Hyde Park Plat alteration.

The Appearance of Fairness Doctrine applies to this hearing. That document requires that this hearing be fair, in form, substance and appearance. The hearing must not only be fair, it also must appear to be fair. Therefore, at this time I would like to ask a few questions of the Council."

Has any member of the Council engaged in communication with opponents or proponents regarding this issue outside of the public hearing process? *There were none.*

Will any member of the Council obtain any financial benefit or suffer a financial loss as a result of the outcome of this hearing? *There were none.*

Is there any member of the Council who believes that he or she cannot hear and consider this application in a fair and objective manner? *There were none.*

Is there any member of the public, either proponent or opponent of this matter, who objects to the participation of any of the Council Members in hearing this matter? *There were none.*

Mayor Noski opened the closed record hearing at 8:53 p.m. There being no public testimony, Mayor Noski closed the hearing at 8:53 p.m.

h. Motion to Approve Preliminary Plat of Hyde Park Plat Alteration – Senior Planner Lambert presented a recommendation to approve the preliminary plat of Hyde Park plat alteration as delineated in item 7g.
Councilmember Brown moved to approve the preliminary plat alteration of Hyde Park, subject to the findings and conclusions of the Planning Commission. Councilmember Benegas seconded the motion.

Councilmember Dobbin has the same issue with this plat as the Sunset Ridge 2 plat, and stated that 96% of the lots in Hyde Park can have secondary rental units. Also, the lot sizes need to be mitigated.

Mayor Pro Tem Buel referred to mitigation #5 and said the lot sat undisturbed for nine years and he wonders if a road will be constructed in five months.

Senior Planner Lambert responded that the developers are ready to get started right away.

The previously stated motion to approve the preliminary plat alteration of Hyde Park, subject to the findings and conclusions of the Planning Commission, carried by 4-2 majority vote as follows:

Yes: Mayor Pro Tem Buel, Council Members Benegas, Bloom, Brown
No: Council Members Dobbin, Johnson
Absent: Councilmember Gerry

i. Award Engineering Services Contract to Spink Engineering – Councilmember Johnson said he asked for this item's removal from the consent agenda to ask if the \$12,000 is coming out of the \$318,000 that is in the budget for replacing existing water lines, or adding to it.

Mayor Noski responded that the \$12,000 is coming out of the \$318,000.

Councilmember Brown moved to award an engineering services contract to Spink Engineering for the Melinda Drive waterline replacement project in an amount not to exceed \$12,000. Councilmember Bloom seconded the motion and it carried by 6-0 unanimous vote as follows:

Yes: Mayor Pro Tem Buel, Council Members Benegas, Bloom, Brown, Dobbin, Johnson
No: None
Absent: Councilmember Gerry

8. Unfinished Business – There was no unfinished business.

9. New Business – a. Joint Meeting with City of Richland City Council – Councilmember Johnson proposed having a joint meeting with the Richland City Council to discuss the 400 acres on the West Richland boundary that Department of Natural Resources is turning over to Richland, and also discuss ways the cities can work together on opportunities for development of the Yakima River.

Council consensus was that a joint meeting would be a good idea, and that Staff should work

10. Citizens Public Comment – Mayor Noski opened the meeting to citizen public comment on items not on the agenda. There were no citizen comments.

11. Announcements, Reports & Comments – a. Staff Reports

Community Development Director Leedy announced that a mobile home on Chelan that was a code enforcement and health and safety problem has been removed.

Economic Development Director Swain announced a workshop on Tuesday, June 14th to review the survey draft, look at economic development communication tools and the City logo.

Finance Director Platt provided an update on Finance Department activities and projects.

City Engineer Woodruff provided an update on Public Works projects. He also announced that the City of Richland will be closing a portion of Keene Road for construction for two months starting on June 9th, and the State will begin their overlay of Van Giesen in July. He provided copies of the cross connection policy to Council for their information.

Chief McElroy announced the Police Youth Academy which begins the week of June 13th.

b. Council Reports

Councilmember Benegas provided an update on the Park Board. He announced the following: Donna Raines, from Benton County Park Board, will be a liaison for West Richland Park Board; All cities joint Park Board meeting will be held on July 26th; Park Board is creating a volunteer project list; neighbor Ackshay Krieg cleaned up Flat Top Park as a school service project; and Keith Christenson, from the LDS Church, is bringing 75 volunteers to spruce up the entrance of Park at the Lakes. He also mentioned an electoral district boundaries redistricting meeting being held on the evening of this meeting, and urged people to provide their input at www.redistricting.wa.gov.

Councilmember Brown thanked Chief McElroy for the department's good attendance at the CIT training. She commented there will be a lot of changes with how funds are distributed for social work and explained part of the process.

Mayor Pro Tem Buel reported on the Richland School District Bond Steering Committee meeting and said the District will be going before the voters in 2012 for a maintenance and operations levy. They are looking at a series of bonds to go before the electorate to add some new buildings and renovate some buildings. He also announced Deputy Superintendent John Steach has accepted a Superintendent position and will be leaving. He reported that the TCVCB will have a Hanford tour as their next meeting to look at how they can tap into the atomic tourism at Hanford.

Councilmember Dobbin reported on a utility committee meeting on garbage and recycling. He also announced an open house for the Benton County Fire District #4 Chief candidates on Monday, June 13th at Sandberg Event Center. He will participate in the Chief candidate interview process on June 14, at the request of the BCFD #4 Commissioners. He will participate in Chief candidate interviews on June 14, at the request of the BCFD #4 Commissioners.

Councilmember Johnson announced Hogs & Dogs on June 23rd and said volunteers are needed.

12 Executive Session – Mayor Noski announced a 15 minute executive session to discuss real estate acquisition and sale or lease per RCW 42.30.110 (a)(b). No action will follow.

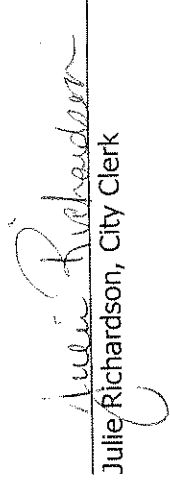
Council adjourned to executive session at 9:20 p.m.

The meeting reconvened at 9:38 p.m.

13. Adjournment – The meeting was adjourned at 9:38 p.m.



Donna Noski, Mayor



Julie Richardson, City Clerk