Agenda
Planning Commission Meeting
Wednesday, August 24, 2016
City Hall Council Chamber | 505 Swift Boulevard

Commission Members: Chair Madsen, Vice-Chair Wallner and Commissioners Clark, Wise, Palmer, Boring and Berkowitz

Liaisons: Council Liaison Lemley and Alternate Council Liaison Luzzo Gilmour
Staff Liaison Development Services Manager Simon

Regular Meeting - 7:00 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

July 27, 2016 Meeting Minutes

Public Comments:

Public Comments Explanation:

Unfinished Business:

1. 2017 Community Development Block Grant (CDBG) applications funding recommendations.
   - Michelle Burden, Block Grant Coordinator

New Business :

1. Discuss Moving the October Workshop Date

Communications:

Adjournment

Workshop Session - 7:30:

1. Discussion of Code Amendments Concerning Nonconforming Uses

The next Planning Commission Workshop is September 14, 2016

The next Planning Commission Meeting is September 28, 2016

This Meeting is broadcast live on CityView Channel 192 and online at CI.RICHLAND.WA.US/CITYVIEW

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PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 08/24/2016 Agenda Category: Approval of Minutes

Prepared By: Rick Simon, Development Services Manager

Subject:
July 27, 2016 Meeting Minutes

Request:

Recommended Motion:
Approve the Minutes of the July 27, 2016 Planning Commission Meeting

Summary:
July 27, 2016 Draft Meeting Minutes

Attachments:

1. July 27, 2016 Draft Minutes

MINUTES
PLANNING COMMISSION MEETING
City Hall – 550 Swift Boulevard – Council Chamber
WEDNESDAY, JULY 27, 2016
7:00 PM

Call to Order:

Chair Madsen called the meeting to order at 7:00 PM.

Attendance:

Present: Chair Madsen, Vice-Chair Wallner, Commissioners, Boring, Clark, Wise, Palmer and Berkowitz. Also present were Community & Development Services Director Kerwin Jensen, Development Services Manager Rick Simon, Block Grant Coordinator Michelle Burden, Transportation & Development Manager Jeff Peters, Executive Assistant Lynne Follett and Councilmember Phil Lemley.

Approval of Agenda:

Chair Madsen presented the meeting agenda for approval.

COMMISSIONER BORING MOVED TO ACCEPT THE AGENDA AND VICE CHAIR WALLNER SECONDED THE MOTION TO APPROVE THE JULY 27, 2016 MEETING AGENDA AS WRITTEN CARRIED 7-0

Approval of Minutes:

Chair Madsen presented the meeting minutes of the June 22, 2016 meeting for approval.

Vice Chair Wallner noted a typo and asked that he minutes be amended to reflect the correction.

VICE CHAIR WALLNER MOVED AND COMMISSIONER BORING SECONDED A MOTION TO APPROVE THE MINUTES FROM THE JUNE 22, 2016 MEETING AS AMMENDED. THE MOTION CARRIED 7-0

Public Comment

Chairman Madsen opened the public comment period at 7:02pm. Noting that there were no public participants and no comments he closed the public comment period at 7:04pm

Unfinished Business:

None

New Business:

1. 2017 Community Development Block Grant (CDBG) Presentations

Block Grant Coordinator Michelle Burden presented a brief overview and instructions about the program to the committee.

Chairman Madsen asked if any commissioners felt they might have a conflict of interest Commissioner Berkowitz brought forward her volunteer status with Elijah House for consideration. The commissioners considered the information and determined there was no conflict of interest.

Applicant 1 – Elijah Family Homes made a presentation about their program, how past funds were spent and how the funds requested would be used. This year's request is for $23,228. They also shared success stories from the past year.

Chairman Madsen asked if the commission had any questions for the applicant. **Commissioner Boring** asked for clarification on criteria of program participants. **Vice Chair Wallner** asked if partial funds would be acceptable if whole amount is not available.

Applicant 2 – Arc of the Tri Cities presented information on the summer program and other programs the Arc offers. Donna Tracy offered thanks to the city for past support and funding. This year's request is for $10,000.

Chairman Madsen asked if the commission had any questions for the applicant. The commission had no questions.

Applicant 3 – Senior Life Resources staff member Marci presented information on Meals on Wheels which is the program requesting funding. This year's request is for $8,500.

Chairman Madsen asked if the commission had any questions for the applicant. Vice Chair Wallner asked if partial funding would be accepted. Commissioner Wise asked about increasing numbers of participants.

Applicant 4 – City of Richland P&R Planning & Capital Projects Manager Phil Pinard gave a presentation to the commission about resurfacing the Columbia Playfield playground.

Chairman Madsen asked if the commission had any questions for the applicant.
Commissioner Wise asked about the longevity of the material
Commissioner Clark asked about what material the surface is made of and if the surface product had any type of warranty.
Vice Chair Wallner asked if this surface was in any existing parks.
Commissioner Wise asked if it was possible to install partial surfacing if full funding was not available.

Applicant 5 - City of Richland P&R Planning & Capital Projects Manager Phil Pinard gave a presentation to the commission about funding improvements to Wye Park.

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Chairman Madsen asked if the commission had any questions for the applicant.

Commissioner Clark asked why the fence was necessary.
Vice Chair Wallner asked if partial funding would
Commissioner Wise offered comments about the current fence height.
Commissioner Berkowitz asked for clarification on the condition of the slope along the back side of the park where replacement fencing is requested.

Applicant 6 – City of Richland Transportation & Development Manager Jeff Peters gave a presentation showing the number of intersections, in the subject portion of the city, that do not have ADA compliant sidewalk and ramps. The funding request will fund at least 26 intersections if fully funded.

Chairman Madsen asked if the commission had any questions for the applicant.

Vice Chair Wallner asked for clarification on how funds are allocated, **Commissioner Boring** commented she was surprised at the number of non-compliant intersections. She also asked for clarification on the area where work would occur.
Commissioner Berkowitz asked for clarification on the Wright street sidewalk area.
Commissioner Clark asked Mr. Peters to rank the importance of city projects.

Vice Chair Wallner offered thanks to all applicants for the thoughtfulness of the project submitted.

Chairman Madsen asked **Ms. Burden** for clarification on comment period that would be available to citizens. **Mr. Burden** verified that the next opportunity for public comment would be after the Commission makes its decision.

2. Proposed Code Amendment – Installation of Sidewalks, Curbs and Gutters

Transportation & Development Manager Jeff Peters gave a power point presentation regarding the proposed amendment to RMC 12.10.060 which would add exemptions for specific streets or portions of streets.

Chairman Madsen opened the public comment period at 8:18 p.m.

Angie Abella, owner of lot at corner of Fowler and Carolina Street offered testimony about a previous project she brought before the Planning Department and Public Works Department in reference to the inconsistency of answers regarding sidewalks on Carolina Street. She also urged the commission to support staff recommendation on this matter.

Gary Conachon of 598 N. Grant Street, Kennewick offered testimony in support of amending the code to exempt Carolina from the sidewalk requirement.

Chairman Madsen closed the public hearing at 8:29 p.m.
Chairman Madsen invited the commissioners to ask questions or make comments regarding this matter.

Commissioner Berkowitz offered support of the comments regarding Carolina Street. She also asked to see the Master Plan map Mr. Peters presented earlier.
Vice Chair Wallner asked about future consideration if the area develops differently than envisioned.
Commissioner Clark asked for clarification on where Carolina Street was located on the map presented.

COMMISSIONER BORING MOTIONED FOR THE PLANNING COMMISSION TO RECOMMEND AMENDING R.M.C.12.10, EXEMPTING FRONTAGE IMPROVEMENT REQUIREMENTS ON CERTAIN STREETS IN THE ISLAND VIEW AREA AND A PORTION OF AARON DRIVE. VICE CHAIR WALLNER AND COMMISSIONERS PALMER AND BERKOWITZ SECONDED THE MOTION, THE MOTION CARRIED 7-0

Communications:

Mr. Simon reminded the Commission that they would be deliberating these applications for CDBG grants at the upcoming workshop.

Commissioner Wise offered thanks to the citizens that attended and participated.

Commissioner Boring shared information about the Complete Streets workshop she attended with **Mr. Peters**. **Commissioner Boring** also brought up issue with right turn at Gage and Leslie. Asked about the possibility of staff looking into the striping or signing in the area.

Commissioner Berkowitz asked **Mr. Simon** about the timing of the annual city tour.

Adjournment:

Chairman Madsen adjourned the meeting at 8:40 p.m.

PREPARED BY: Lynne Follett, Executive Assistant

REVIEWED BY: _____

Rick Simon, Secretary
Richland Planning Commission

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PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 08/24/2016 Agenda Category: Unfinished Business

Prepared By: Michelle Burden, Block Grant Coordinator

Subject:
2017 Community Development Block Grant (CDBG) applications funding recommendations.

Request:

Recommended Motion:
Recommend City Council approve funding allocation for the 2017 CDBG projects.

Summary:
Recommend City Council approve the following funding recommendations for the 2017 CDBG funding:

Public Service
Elijah Family Homes $23,228
Senior Life Resources $8,500
The Arc of Tri-Cities $9,072, short ($928)

Public Facilities
City of Richland Parks and Facilities, Columbia Playfield $63,000
City of Richland Parks and Facilities, Wye Park $58,604, short ($4,896)
City of Richland Public Works, ADA Ramps $65,000

If the 2017 CDBG Grant and/or program income increases, Planning Commission recommends fully funding all 2017projects.

Attachments:

PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 08/24/2016

Agenda Category: New Business

Prepared By:

Subject:
Discuss Moving the October Workshop Date

Request:

Recommended Motion:
Move the October 12, 2016 regularly scheduled Planning Commission Workshop meeting to October 5, 2016.

Summary:
The City's Comprehensive Plan consultant would like to engage the Planning Commission on topics related to the 10 year update. To facilitate travel and timing with other groups staff recommends moving the October workshop meeting to October 5, 2016.

Attachments:

DRAFT 8/24/16

NONCONFORMING LOTS, STRUCTURES AND USES

18.46.010 Purpose.
It is the purpose of this chapter to establish limitations on the expansion and extension of nonconforming uses and structures which adversely affect the development and perpetuation of desirable residential, commercial and industrial areas with appropriate groupings of compatible and related uses.

Nonconforming lots.
A lot legally created that does not conform to the minimum area requirements established under the zone in which the lot is located is considered a nonconforming lot. A structure containing a conforming use may be built on any nonconforming lot provided that the applicable dimensional standards, including setbacks, lot coverage and building height as required in this title are met; however; minimum lot width requirements do not have to be met.

Nonconforming uses
Any preexisting lawful use of land that exists that is made nonconforming under the terms of this title as enacted may be continued, subject to the following provisions:

A. Unless otherwise authorized in this title, no such nonconforming use shall be enlarged or increased nor extended to occupy a greater area than was occupied at the effective date of adoption of the ordinance codified in this title.

B. If any such nonconforming use ceases for any reason for a period of more than 12 consecutive months, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located. Upon request by the owner, the hearing examiner may grant an extension of time beyond the 12 consecutive months.

C. Unless otherwise authorized in this title, no existing structure devoted to a use not permitted by this title in the zone in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the zone in which it is located.

D. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use; provided, that the hearing examiner by making findings in the specific case, shall find that the proposed use is more appropriate to the zone than the existing nonconforming use. The Examiner shall consider the impacts of the existing nonconforming use on the surrounding properties and the anticipated impacts of the proposed new use on the surrounding properties. In permitting such change, the hearing examiner may require appropriate conditions and safeguards in accord with the provisions of this title.

E. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

Nonconforming structures.
Where a lawful structure exists at the effective date of adoption of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, required yards or other characteristics of the structure, it may be continued so long as the structure remains otherwise lawful subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its degree of nonconformity. Alterations, additions or enlargements may be allowed as long as the work done does not extend further into any required yard or violate any other portion of this title. Complete plans shall be required of all work contemplated under this section.

B. Should such structure be moved for any reason or any distance whatsoever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

Repairs and maintenance.
If any building is devoted in whole or in part to any nonconforming use, normal maintenance and repair or incidental alterations may be done in any period of 12 consecutive months in accordance with the following limitations:

A. Ordinary maintenance includes minor interior and exterior repairs and incidental alterations. Minor maintenance and repair may include but is not limited to painting, roof repairs and replacement, plumbing, wiring, mechanical equipment replacement, and weatherization. Incidental alterations may include construction of nonbearing walls and partitions. Ordinary maintenance and incidental alterations shall not exceed 20 percent of the value of the building at the time of repair or alteration. The calculation for determining 20 percent of value shall be based on the records of the assessed value of the structure as determined by the records of the Benton County Assessor and the valuation of the proposed maintenance or alteration as determined by the latest edition of the ICC Building Valuation Data.

B. No building damaged by fire or other causes to the extent of more than 50 percent of the assessed value of the structure as determined by the records of the Benton County Assessor shall be repaired or rebuilt.

C. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building ordered by any official charged with protecting public health or safety.

D. Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition and continue as a nonconforming use, unless such repairs exceed 50% of the assessed valuation of the structure as determined by the records of the Benton County Assessor.

Nonconforming parking lots.
A. Nothing contained in this chapter shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space requirements and curb cuts, for any structure or facility which existed on the date of adoption of the ordinance codified in this title.

B. If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment less than 100 percent, the requirements shall be complied with for the additional parking area.

C. If a change of use takes place, or an addition is proposed, which requires an increase in the parking area by an increment greater than 100 percent, the requirements shall be complied with for the entire parking area.

Nonconforming landscaped areas.
A. Adoption of the landscaping regulations contained in this title shall not be construed to require a change in the landscaped improvements for any legal landscape area which existed on the date of

adoption of the ordinance codified in this title, unless and until a change of use or alteration of the structure is proposed.

B. At such time as a change is proposed for a use, or structure, and associated premises which does not comply with the landscape requirements of this title, a landscape plan which substantially conforms to the requirements of this title shall be submitted to the City for approval. Once approved, the landscape plan shall be completed prior to the time a Certificate of Occupancy is issued for the project.

Special uses.
A legal use does not become nonconforming because the zone in which it is located is changed to a zone which requires a special use permit for the use, or because the use is changed from an allowed use to a special use within the same zone; provided, however, that expansion of the use may not be allowed or buildings may not be enlarged without first obtaining a special use permit.