



Agenda

RICHLAND PLANNING COMMISSION WORKSHOP

City Manager's Conference Room - 505 Swift Boulevard

WEDNESDAY, April 9, 2014

7:00 p.m.

COMMISSION MEMBERS: James Utz, Chair; Carol Moser, Vice-Chair, Debbie Berkowitz; Marianne Boring, Clifford Clark; Stanley Jones; Kent Madsen, Amanda Wallner and James Wise

LIAISONS: Rick Simon, Planning and Development Services Manager
Phil Lemley, City Council

Call to Order 7:00 p.m.

Business

- 1. DISCUSSION OF HILLSIDE DEVELOPMENT REGULATIONS**
- 2. CONTINUED DISCUSSION OF MINOR ZONING CODE AMENDMENTS**
- 3. DISCUSSION OF HEARING EXAMINER SYSTEM OF PERMIT REVIEW**

Adjournment

Planning Commission Regular Meeting – Wednesday, April 23, 2014
Planning Commission Workshop Meeting – Wednesday, May 14, 2014

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MEMORANDUM

*Community and Development Department
Planning & Development Services Division*

TO: PLANNING COMMISSION

FROM: RICK SIMON, DEVELOPMENT SERVICES MANAGER

DATE: APRIL 9, 2014

RE: HILLSIDE DEVELOPMENT STANDARDS

Last month, the Commission requested that we take another look at the draft hillside development regulations and review the comments that the City's land use attorney made; however, when I reviewed his comments, he specifically noted that they fall under attorney-client privilege and should not be shared publically. His concern is that any potential flaws that he may point out in the draft ordinance or issues that he may raise for consideration, could be used by others to later oppose the adoption of the ordinance. Given that, I have suggested some modifications to the draft for Commission discussion. Generally speaking, the comments directed the development of more specific standards and code language to reduce the potential for misunderstanding or mis-interpretation of the ordinance provisions. A copy of the changes made to the draft ordinance is attached, with strikeouts and underlined text used to make the changes easily seen. The version of the ordinance so highlighted is the last version that the Commission reviewed last year. The following is a brief summary and rationale for each of the proposed amendments and some general thoughts regarding measures to improve the draft ordinance:

Page 1:

- **Title.** The title of the ordinance changed from "Combining District" to "Overlay District". Overlay is a more common zoning term.
- **Purpose Statement D.** The comprehensive plan contains language (refer to the attached urban design goal statement #3) that is supportive of this ordinance. Making a reference here provides a clear indication that the City is attempting to implement its comprehensive plan.
- **Applicability.** Language is changed to more clearly define the activities that are subject to the ordinance and also those that are not. Deleted "naturally appearing slope" which would be subject to interpretation in favor of permits/approvals that had been granted previously, which are more easily verified.

- **Development Standards.** Clarifies that standard applies to every division of property (short plats and subdivisions) and not just subdivisions.
- **Slope Map.** A new section requiring the submittal of detailed slope data for the subject property.
- **Roads.** We might want to consider adopting lesser street standards for steep terrain, as doing so would reduce the amount of cut and fill needed to construct a road across a steeply sloping site.
- **Grading Standards.** The standards listed here could be improved by making them more specific and less subject to interpretation. In Los Angeles, the code requirement lists the following standards for grading an individual lot:

The total grading (both Cut & Fill) limited to:

500 cubic yards + 5% of lot size in cubic yards, up to a maximum of 1,000 cubic yards

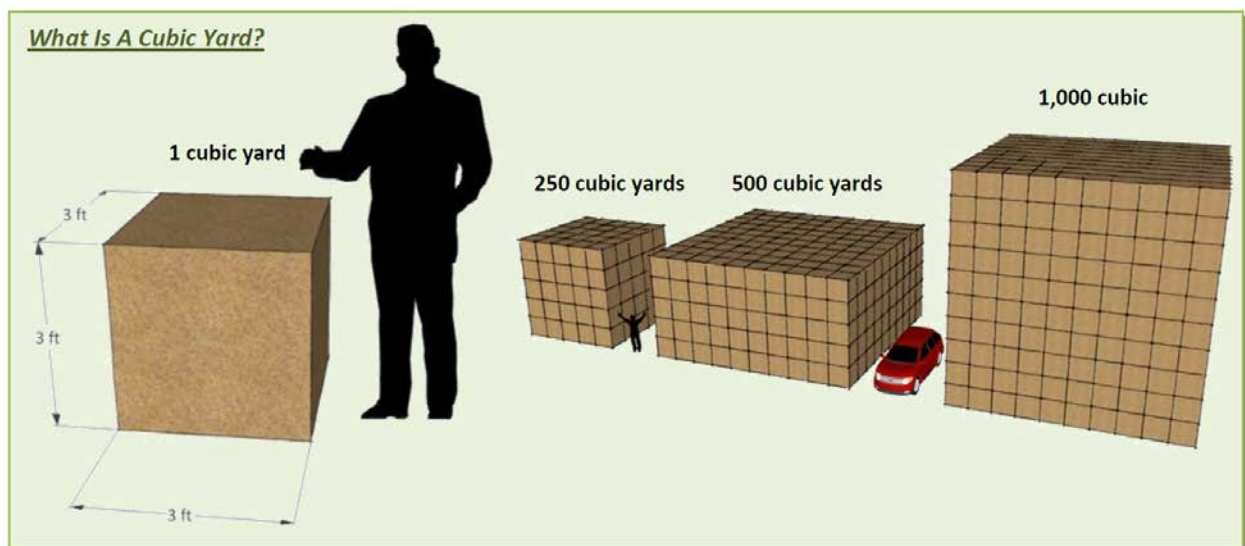
•Example: 5,000 sq-ft lot

□ maximum

for the base amount + 250 cubic yards for the 5% calculation).

•Does not include grading for foundations, driveways, and Remedial Grading.

Would this approach make sense for Richland? To aid in understanding how much fill is included in this standard, the Los Angeles code included this graphic:



The Los Angeles code includes the following provisions:

Exceptions to Lot Grading.

(1) Cut and/or Fill underneath the footprint of a Structure(s) (such as foundations, understructures including Basements or other completely subterranean spaces – *not including pools and sports courts*), as well as for water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.

(2) Cut and/or Fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible Street for which a Lot has ingress/egress rights.

(3) Remedial Grading as recommended in a Geotechnical Investigation Report, prepared in accordance with this code, and approved by the Department of Building and Safety - Grading Division.

Import/Export Limits

- Maximum quantity of all earth being brought into a property, or **Import**, would be limited to no more than 500 cubic yards.

- Maximum quantity of all earth being taken out of a property, or **Export**, would be no more than 1,000 cubic yards.

Grading on Extreme Slopes

- No grading on slopes 100% or greater.

- Exception: When recommended by Geotechnical Investigation Report and approved by Department of Building & Safety Grading Division in order to mitigate previously existing unsafe conditions.

- Variance is required if exception above does not apply.

Page 3:

- **On-Site Density Transfer.** Substitutes “lowest portion of site” for “least visual impact”, making a standard that is easier to measure.
- **Density Bonuses.** Eliminates one of the criteria (visual prominence) for determining value of proposed open space dedications. There was much overlap with the preservation of prominent features, so it seemed as if the same qualities were being scored twice.

Page 5:

- **Clustering.** Replace “least visible” with lowest slope because this standard is more easily verified and would largely accomplish the same purpose.

Page 6:

- **Hillside Setbacks.** Front yard setbacks amended to ensure that vehicles would be able to park in the driveway in front of the garage, while also allowing a side load garage closer to the street, based on the concept that moving the structure

closer to the street would reduce the amount of cut needed to create a building pad on a sloped lot.

- **Footnote 1.** This language could be clarified. The existing language indicates no structure is permitted within 50 vertical feet of the ridgeline. Does that mean that a building pad that is located 65 feet below a ridgeline would be limited to a structure that is only 15 feet in height? Or is it intended to permit a structure, with a maximum building height of 28 feet (typical bldg. height limit) at an elevation of 50 feet below the ridgeline, thereby leaving 22 vertical feet between the top of the structure and the ridgeline? Also some brief examples of when feasible building sites are not available is listed to provide some criteria as to when exceptions can be granted.

Page 7:

- **Balloon Test.** Clarifications on how the balloon test is to be conducted and that its purpose is to determine if a proposed structure would result in ridgeline development. We may further want to identify standards for ridgeline development, such as limitations on building height.

Page 8:

- **Maximum height on sloping site.** We may want to consider a different approach. When a property is subdivided and roads and utility lines installed, some grading of the lots invariably takes place. At that point it would often be difficult to ascertain the natural grade of the lot. Perhaps the standards could be modified to require the developer to identify the building pad for each lot within the subdivision, so that at the time the subdivision is developed, the lots are graded. Homebuilders would have to work with the pads already established and not further grade the lot. Building elevations would then be measured from existing grade, not natural grade. (This approach would work only if grading standards were incorporated into the ordinance, such as suggested on page 2 of this memo.)

Page 10:

- **Decks.** Eliminates subjective language from the standard.

Page 11:

- **Building Design Standards.** Corrects error in referencing standards.

Page 12:

- **Hillside Development Permit.** Clarifies that single family homes are not subject to the requirement for obtaining a hillside development permit but are still subject to the design standards. The requirement for showing a topography map has been shifted to Section 23.36.040 of the ordinance (see page 2) and a requirement for the submission of a grading plan has been added.

Page 13:

- **Hillside Development Permit** (continued). A requirement to include a grading plan with the hillside development permit application will help to evaluate the application.
- **Review Authority.** Clarifies that administrative review occurs for single family homes that are exempt from the permit requirement but still subject to the design standards.

Page 14:

- **Review Authority** (continued). Clarifies that one of the required findings needed to approve a hillside development permit is that the proposal is consistent with the City's comprehensive plan and eliminates findings that are vague.
- **Commercial Standards.** Provides some clarification as to what uses are subject to the commercial standards.

Page 15:

- **Building Design Guidelines.** Standard from Section 23.36.050(E)(3) is reprinted here to clarify guideline.

Page 16:

- **Addition of definitions.**

Urban Design Goals Reprinted from the Comprehensive Plan (Land Use Element)

UDGoal1. The City will create a well-planned community with an aesthetically pleasing environment.

Policy 1 - The City will work to attract industrial uses, such as business and research parks, office parks, technology centers and other types of high-tech uses.

Policy 2 - The City will develop an attractive Central Business District and Uptown retail area with adequate parking, landscaping, and pedestrian access.

Policy 3 - The City will adopt programs to redevelop, upgrade and enhance the visible commercial areas.

UDGoal2. The City will endeavor to revitalize declining commercial areas, such as the Central Business District, the Uptown retail area, and the Wye area.

Policy 1 - The City will work to develop an attractive Central Business District with adequate parking, landscaping, and pedestrian access.

Policy 2 - The City will zone for higher-density residential and business uses adjacent to the Central Business District.

Policy 3 - The City will adopt design standards for the Central Business District and other parts of the City to enhance the design character of the area and to encourage mixed use developments.

Policy 4 - The City's design standards should provide consideration for the pedestrian by providing landscaping and shading elements as well as inviting access connections to adjacent developments.

Policy 5 - The City's design standards should reflect a human scale, providing for a variety of building masses, and a variety of textures and natural materials to provide visual interest and richness.

Policy 6 - The City will work to design the public realm, including streetscapes, parks, plazas and civic amenities to provide identity to the community and convey its design expectations.

Policy 7 - The City will strive to provide continuity among adjacent uses through the use of cohesive landscaping, decorative paving, street furniture, public art and integrated infrastructure elements.

UDGoal3. Development, through appropriate siting and orientation of buildings, should recognize and preserve established major vistas, as well as protect natural features such as: rivers, ridgelines, steep slopes and major drainage corridors and archaeological and historical resources.

Policy 1 - Development should be sensitive to existing topography and landscaping.

Policy 2 - Hillside development should blend with the natural shape and texture of the land while minimizing disturbances to the natural environment.

Policy 3 - Design strategies and building techniques, which minimize environmental impact, reduce energy consumption and endure over time, should be utilized.

Policy 4 - Landscape design should respond to our desert environment by utilizing a variety of landscape materials indigenous to this arid region.

Policy 5 - Lighting should be designed to minimize glare and invasive overflow, to conserve energy and reflect the character of the area.

Chapter 23.36
HILLSIDE AND RIDGELINE ~~COMBINING-OVERLAY~~ DISTRICT
~~May-2013~~April 2014

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Sections:

- 23.36.010 Purpose.
- 23.36.020 Applicability.
- 23.36.030 Permit requirements.
- 23.36.040 Hillside subdivision standards.
- 23.36.050 Site planning and development standards.
- 23.36.060 Building design standards.
- 23.36.070 Hillside development permit.

23.36.010 Purpose.

The provisions of this chapter are intended to:

- A. Preserve the city's environmental and scenic resources by encouraging the retention of natural topographic features and vegetation;
- B. Recognize that as the slope of a development site increases so does the potential for environmental degradation and liability related to slope failure, and increased storm water runoff that will also increase the potential for erosion;
- C. Encourage grading practices that are appropriate in hillside areas; and

~~D. Encourage structures on hillside parcels to be designed with scale, massing, architectural design and detailing appropriate to maintain the visual character of hillsides as natural and open~~ Implement the urban design goals contained in the City's Comprehensive Plan, relating to the protection and preservation of natural features such as ridgelines and steep slopes.

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23.36.020 Applicability.

Applicability of Chapter. The requirements and guidelines in this chapter apply to subdivisions, and all other proposed development ~~or a new land use~~ that falls within a designated Hillside Development Combining District. The provisions of the Hillside Development Combining District shall apply to all properties within the City of Richland that are located south of the Yakima River and that contain steep slopes. Lands with steep slopes are defined as all lands having a naturally formed ~~or naturally appearing~~ slope of 15 percent or greater, based on five foot contour intervals, with a minimum elevation differential of 25 feet. ~~Steep slopes do not include manufactured slopes which have been graded pursuant to a validly issued development permit.~~ The provisions of this chapter do not apply to steep slopes that are located on properties which have been granted development approval in the form of a preliminary plat and/or a planned unit development and/or grading permit prior to the adoption of the Hillside and Ridgeline Development Overlay District. Applicants for land development approvals shall submit contour mapping sufficient to demonstrate their inclusion or exclusion into the Hillside Development Combining District to the satisfaction of the Administrator.

23.36.040 Hillside ~~subdivision~~ development standards.

Any proposed division of property that is subject to Title 24 of the Richland Municipal Code (subdivision) ~~subdivision~~ shall comply with the following standards:

1) Geotechnical Report. Any proposal for the subdivision of property submitted to the City shall be accompanied by a geotechnical report, meeting the standards established in RMC 22.10.280.

2) Slope Map. As part of an application for a permit to develop within the Hillside and Ridgeline Overlay District, the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a licensed civil engineer or licensed land surveyor, to verify the average slope that exists on the subject property. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall cover the entire site and include areas on surrounding parcels within fifty feet of the site boundary. The map shall identify proposed building sites. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope has been accurately depicted.

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3) Roads. Each new road shall follow natural terrain contours to the maximum extent feasible to minimize grading. (what about narrower rights of way across steepest terrain/2% cross slope/allowances for steeper grades or tighter turning radii)

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4) Grading Standards. The following criteria shall be used to evaluate applications for subdivisions with the Hillside and Ridgeline Combining District:

- a) Design grading to conserve natural topographic features and appearances by minimizing the amount of cut and fill and by means of land form grading to blend graded slopes and benches with the natural topography; straight graded cut and fill slopes are to be discouraged.
- b) Design grading to retain major natural topographic features (i.e., canyons, knolls, ridgelines and prominent landmarks, rock outcroppings and drainage ways).
- c) Discourage building pads created on fill. Cut pads are preferred.
- d) Utilize grading to help set structures and roads into the hillside, not to create elevated pads.

5) Density. Overall density permitted within a proposed subdivision shall be determined as follows:

Total site area (in square feet) x .75 = Net Development Area

(This assumes 25% of the land area will be devoted to public streets, storm drainage retention facilities, open space, trails or other public infrastructure.)

Net Development Area / Average Lot Size Requirement (as determined from table in RMC 23.36.040(C)) = Total lots permitted.

6) Lot Size Requirements. Lot sizes within subdivisions located in the Hillside and Ridgeline Combining District shall be determined through the base zoning and average slope as defined in the following table:

Table 1

Average Slope	Density Factor	Reduction	Average Lot Size Requirement	
			R1-10	R1-12
10% or Less	None		10,000	12,000
11 – 15%	1.75		17,500	21,000
16 - 20%	2.1		21,000	25,200
21 – 25%	2.45		24,500	29,400
26 – 30%	2.8		28,000	33,600
31 – 35%	3.15		31,500	37,800

Over 35%	3.5	35,000	42,000
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Note: The lot sizes in this table have been adjusted from the previous version of the draft ordinance to better reflect lot sizes in existing developments. For example, Westcliffe, with an average lot size of over 20,000 square feet has average slopes of approximately 10%. Crested Hills #7, which contains some of the steepest slopes of any existing subdivision at 35% has lot sizes of approximately one acre (43,560 square feet).

~~6.7~~ **On-site Density Transfer.** Within a subdivision of property located in the Hillside and Ridgeline Combining District, allowed density as determined in RMC 23.36.040(3) may be clustered on the portions of the site that have the least slope or ~~the least visual impact~~ the lowest portions of the site. Minimum lot sizes as defined in the R1-10 (8,000 square feet) and R1-12 (10,000 square feet) are permitted provided the average lot size requirements as set forth in the table above are met.

Density Bonus. Permitted densities within a subdivision of property may be increased beyond the standard set forth in RMC 23.36.040(C) if a portion of the property within the area to be subdivided is set aside as open space. The amount of density increase shall be based on the following criteria

Any property that is set aside as open space shall be so designated on the final plat and shall either be dedicated to the City or established as a permanent open space easement.

Density bonuses may be granted for projects that permanently set aside open space. The amount of bonus is dependent upon the amount and quality of the open space to be set aside. Points shall be awarded on the proposed open space set asides in accordance with the following criteria:

~~1. Visual Prominence of Open Space – 0 to 5 points~~

- ~~a. Site fully visible from public off-site locations, such as collector streets, public parks or similar points = 5 pts.~~
- ~~b. Over three quarters but less than all of the open space site is visible from public off-site locations, such as collector streets, public parks or similar points = 4 pts.~~
- ~~c. Between one half and three quarters of the open space site is visible from public off-site locations, such as collector streets, public parks or similar points = 3 pts.~~
- ~~d. Between one quarter and one half of the open space site is visible from public off-site locations, such as collector streets, public parks or similar points = 2 pts.~~
- ~~e. Less than one quarter of site is visible from public off-site locations, such as collector streets, public parks or similar points = 1 pts.~~
- ~~f. Site not visible from public off-site locations, such as collector streets, public parks or similar points = 0 pts.~~

~~2.1.~~ **Quality of Habitat – 0 to 5 points**

- a. Site is in an undisturbed condition; native vegetation is present throughout = 5 pts.
- b. Over three quarters of the open space area is in an undisturbed condition with native vegetation present = 4 pts.
- c. Between one half and three quarters of the open space area is in an undisturbed condition with native vegetation present = 3 pts.
- d. Between one quarter and one half the site is in an undisturbed condition with native vegetation present = 2 pts.
- e. Less than one quarter of the open space area is in an undisturbed condition with native vegetation present = 1 pt.

- f. Site is highly disturbed with little to no native vegetation present and ~~no~~ is predominantly covered with invasive species as listed by the local weed control authority = 0 pts.

Note: A plan for re-vegetation of site with native species and/or restoration of erosion damage submitted by the applicant can be used to increase the overall quality of habitat score. Acceptance of a revegetation/restoration plan by the City may result in an increase of the overall quality of habitat score of up to three (3) points.

~~3-2.~~ Public Access and Usability – 0 to 5 points

- a. Open space is immediately adjacent to existing trail segment and could feasibly provide for the future extension of an existing trail or would provide a feasible trail location within an area identified as a trail corridor within the City's Trail System Map = 5 pts.
 - b. Open space would have direct access from a public street and would provide a feasible trail location = 4 pts.
 - c. Trails through open space could provide for the future extension of an existing trail segment or would provide a trail location within an area identified as a trail corridor within the City's Trail System Map but could only be constructed with some difficulty due to extreme slopes or other limiting factors = 2 pts.
 - d. No proximity or feasible trail linkages exist between proposed open space to other open space properties already dedicated to the public = 1 pt.
 - e. Due to excessive slopes or other site constraints, open space is unsuitable for public trails = 0 pts.
- Note: A plan for the construction of a trail across the open space may be submitted by the applicant to increase the overall public access and usability score. Acceptance of a trail construction plan and a commitment on the part of the applicant to construct the trail segments identified in the plan may result in an increase of the overall public access and usability score of up to two (2) points.

~~4-3.~~ Preservation of Prominent Features 0 to 5 points

- a. Open space would preserve a ridgeline = 5 pts.
- b. Open space would preserve the highest and most visible portions of the site = 4 pts.
- c. Open space would preserve an important premonitory, erratic or other important feature and/or over half of the open space would be visible from a public off-site location, such as a collector street, public park or similar point= 3 pts.
- d. At least one half of the open space would be visible from a public off-site location, such as a collector street, public park or similar point = 2 pts.
- e. Between one quarter and one half of the open space would be visible from a public off-site location such as a collector street, public park or similar point = 1 pts.
- f. No prominent natural features preserved and open space has no or very limited visibility from off-site locations such as a collector street, public park or similar point= 0 points

Points awarded in each category shall be added together to result in a total number of points. Points can be awarded in either whole number or half number increments (example: 1 point or 2 ½ points) Total points shall then be multiplied by the percentage of the total site area that is proposed to be set aside as open space to determine an open space score, as set forth in Table 2. The open space score shall then be multiplied by the total site area to determine the total number of units permitted by the density bonus. The density bonus is then added to the total number of units permitted under Table 1 (base density) to determine the maximum number of units permitted on a site.

The Planning Commission shall evaluate any proposed open space set aside using the criteria listed above and shall determine a total open space score as a part of the open record public hearing held before the Planning Commission.

The amount of density bonus shall be calculated based on Table 2.

Table 2

Open Space Score	Density Bonus per acre
0	None
1	0.33
2	0.67
3	1.00
4	1.33
5	1.67
6	2.00
7	2.33
8	2.67
9	3.00
10	3.33

However, in no case, may the total density of any project exceed more than 5 dwelling units per acre.

7)8) Clustering. Clustering of dwelling units may be permitted on portions of a site that contain the gentlest or ~~least visible-lowest~~ slopes. Whenever density bonuses are granted in accordance with RMC 23.36.040(E), clustering shall be permitted. Clustering is a grouping or concentration of buildings and/or lots in specific areas within a subdivision to allow for the balance of land within the subdivision to remain in open space. Clustering may involve reduction in lot sizes, setback requirements, lot width standards or relaxation of bulk standards. It may include condominiums, townhouses or similar common wall structures.

- a) Whenever clustering of lots or dwellings occurs that results in attached dwellings located adjacent to existing single family residential lots, then additional setbacks and buffers shall be established between the cluster and any adjacent lands that are not a part of the proposed project, in accordance with the following table:

Required Buffer Treatments, Setbacks & Other Restrictions when Cluster Housing Adjoins Existing Single Family Lots

	Detached Single Family	Attached Single Family/Townhouses	Multi Family Dwellings
Buffer Treatments¹	None Required	Minimum 6 foot high block wall or solid fence, with a minimum 5 foot wide landscape strip consisting of trees and shrubs	Minimum 6 foot high block wall or solid fence, with a 15 foot wide landscape strip consisting of trees and shrubs
Minimum Setbacks from Property Line	Front 20 ft. Side 10 ft. Rear 25 ft.	Front 10 ft. ² Side 15 ft. Rear 30 ft.	Front 20 ft. Side 30 ft. Rear 40 ft.
Building Height	Standard height	Standard height	Standard height

	limitations set forth in RMC 23.36.050 apply	limitations set forth in RMC 23.36.050 apply	limitation as set forth in RMC 23.36.050 for all portions of structure within 50 feet of a property line. Beyond that building height may be increased one foot for every additional foot of setback. This provision would allow for buildings with stepped roof lines.
Access Drives and Parking Areas	Standard requirements apply	Permitted in required yards only if landscape buffer is increased to a minimum width of 15 ft.	Permitted in required yards if landscape buffer of 15 ft. is provided.
Outdoor Storage	Standard requirements apply	Not permitted within required yard	Not permitted within required yard
Dumpster Locations	Not Applicable	Not permitted within required yard; must be screened with solid fencing and/or landscaping	Not permitted within required yard; must be screened with solid fencing and/or landscaping

¹Buffer treatments can be comprised of a combination of fencing, block wall, berms, hedges, and other landscape plantings that provide a completed solid screen a minimum of 6 feet in height and that contain a landscaping strip of the minimum specified width.

²All structures and landscaping are subject to clear vision triangle standards as set forth in RMC Chapter 12.11

³The Planning Commission may modify the buffer treatment, setback and building height standards when an alternative design is presented that achieves equivalent levels of buffering/separation of uses.

23.36.050 Site planning and development standards.

A. Site Coverage. Total site coverage by structures shall not exceed forty percent of the total site area.

B. Setbacks. A proposed structure shall comply with the following setback requirements instead of the requirements of the base zoning district, to locate buildings as close as possible to streets, encourage compact development, and thereby minimize the disruption of natural features.

**Table 3
Hillside Setbacks**

Property Setback	Setback Distance
Front	10 ft. <u>for main structure; 18 feet for garage or 5 feet for side-load garage</u>
Side	5 ft.
Rear	15 ft. ⁽²⁾
Ridgeline ⁽¹⁾	50 vertical feet from ridgeline. See also Section 23.36.050(E) and Figure

5-4.

Notes: Setback distances included in this table are based on setbacks between lots within a project site. Lots that are on a boundary of a project shall meet standard setbacks as set forth in RMC 23.18.040. Whenever there is a conflict between the setback standards listed herein and specific setback requirements mandated in a geotechnical report or setbacks from slopes as required under the provisions of the International Building Code or the International Residential Code, the greater setback standards shall apply.

(1) A new structure or addition is prohibited within fifty (is this the right number?) vertical feet of a ridgeline unless this restriction completely precludes development of the property. For the purposes of this chapter, a ridgeline is defined as a line marking or following the highest elevation of a ridge that lies above an elevation of 1,000 feet above sea level.

An exception may be granted if the review authority first finds that:

- a. There are no feasible building sites on the parcel that avoid ridgeline development , due to the physical limitations of the site including but not limited to extreme or unstable slopes;
- b. In the case of a subdivision, the density has been reduced to the minimum standards consistent with Section 23.36.040;
- c. No new subdivision land division of parcels is created that will result in ridgeline development; and
- d. The development will avoid significant adverse visual impacts due to modifications in structural design including height, bulk, size, foundation, siting, and landscaping.

e. Parcels that do not meet the ridgeline standard shall be subject to a balloon test whenever a proposed residence or structure is proposed on that parcel. The balloon test is used to establish the visual impacts of a proposed structure on the ridgeline, with the intent that structures will not extend above the ridgeline. A balloon test of any proposed residence or structure shall be conducted as follows:

~~iii. To ensure compliance with this section, a balloon test of any proposed residence or structure shall be conducted as follows:~~

(a) The applicant shall contact the administrative official to schedule a date and time when the balloon test will be conducted.

(b) The test shall consist of raising one or more balloons from the site to a height equal to the roofline of the proposed residence or structure.

~~equal to the proposed residence or structure.~~

(c) The balloons shall be of a color or material that provides maximum visibility.

(d) The Applicant shall provide photographs of the balloon test from four strategic locations. The photographs of the balloon test shall be taken from the nearest publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the administrative official. The applicant shall identify the camera type, distance from the balloon, and focal length of the lens for each photograph.

(e) The balloon test shall be used to ascertain whether the proposed structure would result in ridgeline development.

(2) Earth sheltered homes whose rear walls are completely built into the hillside and do not extend above the natural grade of the slope may be built to within 5 feet of a rear property line.

E. Height Limits. Each proposed structure shall comply with the following height limits, instead of the height limit of the base zoning district:

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1. Height Measurement. The maximum allowable height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 5-5.

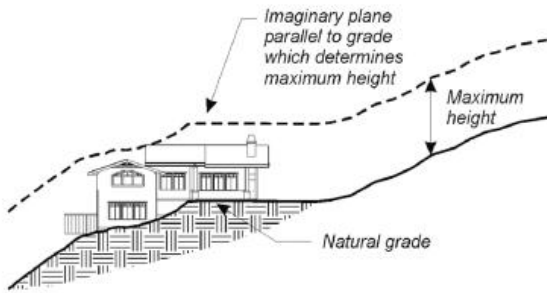


Figure 5-5. Height Measurement on Hillsides

2. General Height Limit. No structure shall exceed a height of twenty-four feet, measured in compliance with subsection (E)(1) of this section, and shall not exceed a height of thirty-five feet, measured from the lowest elevation on the site where the structure touches the grade, to the highest point of the roof. See Figure 5-6.

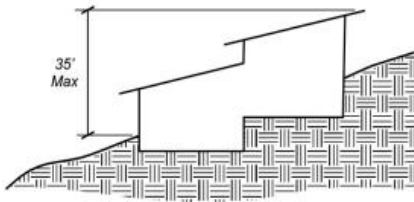


Figure 5-6. Maximum Height on Sloping Site

3. Placement of Structures. Proposed structures shall comply with the following standards, to maintain the natural appearance of hillsides and ridgelines:

a. Each structure shall be located as follows; provided that the Planning Commission may modify or waive these standards where it determines that a structure on the only feasible building site of an existing parcel cannot comply.

i. No part of a proposed structure shall appear silhouetted against the sky above the nearest ~~ridge~~line or knoll when viewed from the nearest collector or arterial street, as designated in the City's transportation plan.

b. Each structure should include the installation of additional native plant materials to augment existing vegetation, where appropriate.

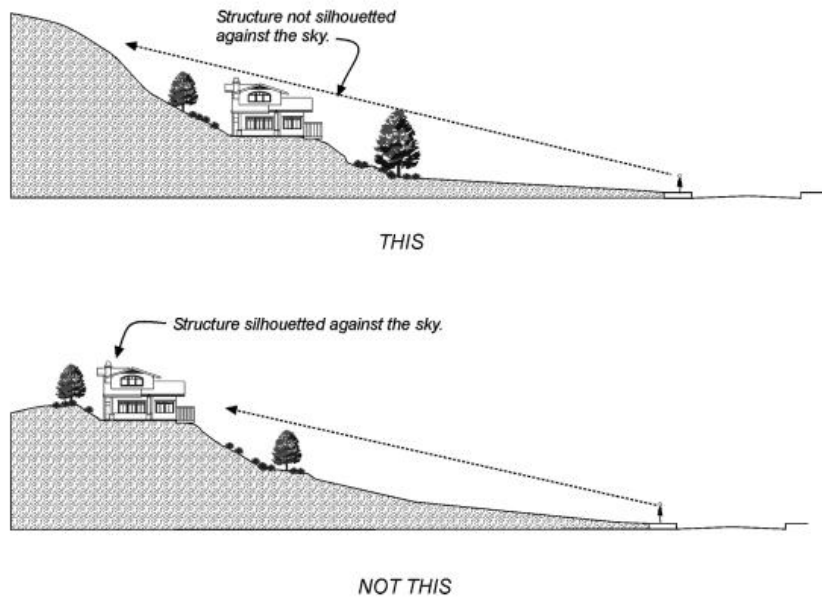


Figure 5-7. Silhouetted Structure

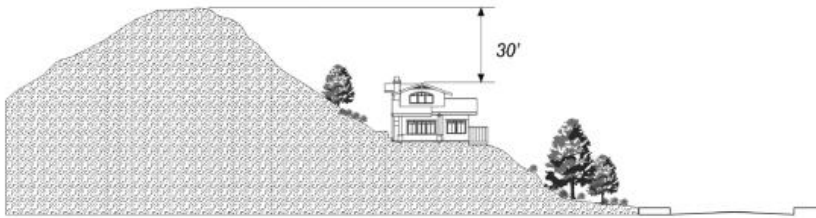


Figure 5-8. Location of Structure Below Ridgeline

4. Height Limit Above Ridgeline. Where the Planning Commission determines that a legal lot existing prior to the effective date of the ordinance codified in this section contains no feasible building site other than where a structure will extend above the ridgeline, proposed structures shall not exceed a height of sixteen feet above the highest point on the ridgeline or hilltop within one hundred feet of the proposed structure. See Figure 5-9.

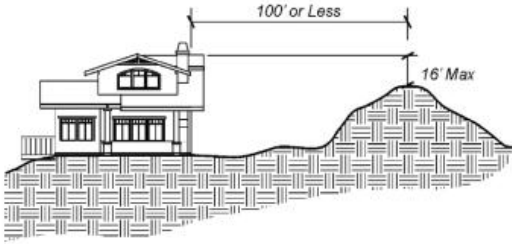


Figure 5-9. Highest Point Within One Hundred Feet of Structure

5. Height of Lowest Floor Level. The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet (see Figure 5-10).

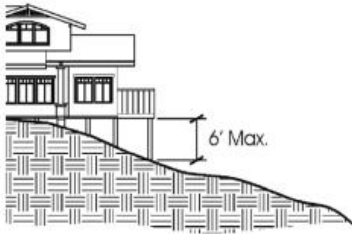


Figure 5-10. Height Limit for Lowest Floor and Decks

6. 7. Decks. No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. ~~Decks shall be integrated into the architecture of the house, not appearing as an "add-on" to the primary building mass~~ (see Figure 5-10).

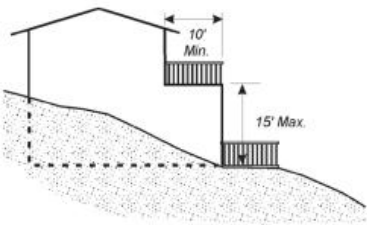


Figure 5-11. Height Limit for Downhill Building Walls

G. Exterior Lighting. All exterior lighting shall be shielded to avoid glare and the trespass of light to surrounding areas. Low-level lighting and multiple low-profile fixtures are encouraged, as opposed to the use of fewer, taller fixtures.

H. Retaining Walls. An embankment to be retained that is over forty-eight inches in height shall be benched so that no individual retaining wall is higher than thirty-six inches, and each bench is a minimum width of thirty-six inches. See Figure 5-13.

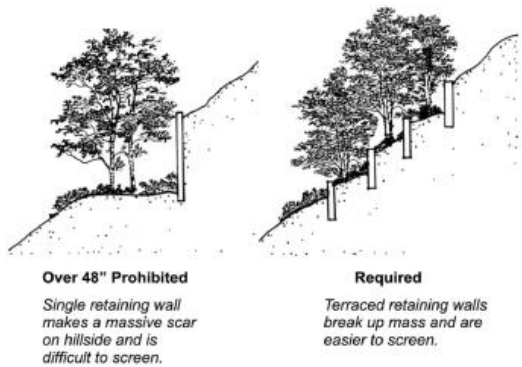


Figure 5-13. Retaining Wall Design

23.36.060 Building design standards.

Wherever the subdivision of property located within the Hillside and Ridgeline ~~Combining-Overlay~~ District occurs, there shall be building design standards put in place that shall regulate the appearance of buildings within the ~~combining-overlay~~ district. This requirement for building design standards shall be met in one of the following ways:

A. The lands included within the subdivision shall be subject to the standards set forth in subsections C - F of this section; or

B. The subdivision shall be subject to private conditions, covenants, and restrictions as proposed by subdivision applicants. Said conditions, covenants and restrictions shall include building design standards that are deemed to be consistent with subsections ~~C - F~~ of this section. Such conditions, covenants, and restrictions shall be recorded at the time the final plat is approved and shall be binding on all new development that occurs within the subdivision. Such conditions, covenants, and restrictions shall not be amended without the approval of the city of Richland Planning Commission.

C. Architectural Design Standards. The following standards apply to the design of buildings within the Hillside and Ridgeline ~~Combining-Overlay~~ District:

1. Building and site design shall generally utilize varying setbacks and structure heights, split-level foundations, and low retaining walls to blend structures into the terrain. See Figure 5-14.



Figure 5-14. Design Sensitive to Terrain

(an example of building form, not intended to show preferred architectural style)

2. Exterior Wall Surfaces. The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of single-story elements, setbacks, overhangs, roof pitches, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.
3. Roofs. Roof pitches shall generally be placed to follow the angle of the slope; Large expanses of roof, fifty feet or greater in width shall be broken up with the use of dormers, gables, hips, or similar architectural features. See Figure 5-14.
4. Support Structures. Support structures (for example, columns, pilings, etc.) below the lowest floor on the downhill side of a house, shall be enclosed unless visible structural members are an integral feature of the architectural design. Support structure wall surfaces shall not exceed six feet in height. This standard applies to buildings, not retaining walls.
5. Color. Exterior colors, including earth tones, that blend with the natural terrain shall be used on all structures.

23.36.070 Hillside development permit.

A. Purpose. The hillside development permit provides a review process for the city to consider the appropriateness of proposed development on hillside parcels, to ensure that a proposed project minimizes its visual and environmental impact.

B. Applicability. A hillside development permit is required to authorize any proposed development, except for the construction of or an addition to a single family residence. While exempt from the requirement to obtain a hillside development permit, a All single family residence construction is subject to the requirements-design standards of this chapter.

C. Application Filing and Processing. An application for a hillside development permit shall be filed and processed in compliance with Title 19 of the RMC. A hillside development permit application shall include the following information:

~~1. Slope Map. As described in Section 23.36.060 of this chapter. Site Topography. A topographic map covering the entire site, and areas on surrounding parcels within fifty feet of the site boundary. The topographic map shall be prepared with a contour interval of two feet, which shall also identify the proposed building site, and all areas of the site with slopes of ten percent or less, all areas of the site with slopes that are more than ten percent but no more than fifteen percent, all areas of the site slopes that are more than fifteen percent but less than twenty percent, and all areas of the site with slopes of twenty percent or more.~~

2. Geotechnical Report. A preliminary geotechnical report that identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity as identified in Section 23.36.060 of this chapter.

3. Grading Plan. A map showing the proposed grading, curring and filling necessary to accommodate the proposed hillside development. Such plan shall be prepared with a contour interval of two feet and shall depict proposed road locations and building pads for each proposed building site.-

D. Review Authority.

1. Commission Approval. The following shall require the approval of a hillside development permit by the Planning Commission:

a. Subdivision. A proposed subdivision shall require a hillside development permit in addition to the approval of a preliminary plat in compliance with RMC Title 24 (Plats and Subdivisions).

b. Multiple Dwellings. A proposal that involves the construction of townhomes, condominiums or other multiple family dwellings that does not involve the subdivision of property, pursuant to the clustering provisions as set forth in RMC 23.26.040(G)

c. Deviations from Standards. The Planning Commission may review and approve requests for deviations to the standards contained in this chapter for the construction of any single family residence or other structure within the Hillside and Ridgeline ~~Combining Overlay~~ District.

2. Administrative Approval – Construction of or addition to a Single Family Dwelling. The Administrative Official may approve a ~~hillside development permit~~request for a building permit for ~~the~~ construction of a single family residence or an addition to a single family residence that conforms to the provisions of this chapter.

E. Project Review, Notice, and Hearing. Each application shall be analyzed by the Administrative Official to ensure that the application is complete. Where subsection (D)(1) of this section requires that a hillside development permit application be considered by the Planning Commission:

1. The Administrative Official shall submit a staff report and recommendation to the Planning Commission;

2. The Planning Commission shall conduct a public hearing on an application for a hillside development permit and shall forward its recommendation to the City Council;

3. The City Council shall conduct a closed record meeting to consider the application and the Planning Commission's recommendation and render a final decision; and

4. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Title 19 of the RMC.

F. Findings and Decision. The review authority may approve, conditionally approve, or disapprove a hillside development permit application, and shall record the decision and the findings upon which the decision is based. The review authority may approve the permit only after first finding that:

1. The proposed project complies with the requirements of this chapter and all other applicable provisions of the RMC;

2. The proposed project is consistent with the ~~general plan and any applicable specific plan~~comprehensive plan;

3. The design, location, and size of proposed structures and/or additions or alterations to existing structures will be compatible with ~~adjacent existing and anticipated future development, in terms of aesthetics, character, scale, and view protection~~the design standards included in Chapter 23.36 pertaining to hillside development;

4. ~~The design and placement of proposed structures will minimize their visibility from off the site and reinforce the appearance of the site as more of an open hillside than an intensively developed property, to the maximum extent feasible; and~~

5. The placement of proposed structures on the site avoids development on the steepest slopes present on site to the maximum extent feasible.

G. Deviations from Standards. The Planning Commission may grant an adjustment to the standards of this chapter as part of hillside development permit approval only where it first finds that:

1. The deviation is either necessary to allow a house with reasonable floor area on a site with excessive slope or other environmental constraints; or

2. The deviation will result in less visual impact than would development in compliance with the standards contained in this chapter.

H. Conditions of Approval. In approving a hillside development permit, the review authority may impose any conditions it deems reasonable and necessary to ensure that the approval will comply with the findings required by subsection F of this section.

23.36.080 Commercial Standards.

Any structure proposed within the Hillside and Ridgeline Overlay District that is not a single family residence, an attached townhome, a multi-family dwelling or a structure that is accessory to any of these uses, shall be considered a commercial structure and is subject to conformance with these standards:

A. Roads. Each new road serving a commercial development shall follow natural terrain contours to the maximum extent feasible to minimize grading.

B. Grading. The following criteria shall be used to evaluate applications for commercial hillside development:

- a. Design grading to conserve natural topographic features and appearances by minimizing the amount of cut and fill and by means of land form grading to blend graded slopes and benches with the natural topography; straight graded cut and fill slopes are to be discouraged.
- b. Design grading to retain major natural topographic features (i.e. canyons, knolls, ridgelines and prominent landmarks, rock outcroppings and drainage ways)
- c. Utilize grading to help set structures and roads into the hillside, not to create elevated pads.

C. Retaining Structures. Retaining walls or structures shall not be more than 48 inches in height. Any embankment over 48 inches in height shall be benched so that no individual retaining structure is higher than 48 inches and each bench between retaining structures shall be a minimum width of 36 inches. Each bench area shall be landscaped to screen the view of the retaining structure.

D. Retention of Steep Slopes. Slopes that are over 25% in grade shall be left in a natural state to the greatest extent feasible.

E. Building Design Guidelines. Commercial buildings shall be designed to minimize the apparent size of exterior walls. Building design should make use of varying setbacks and roof pitches, low retaining walls and landscaping to blend the structures into the terrain and break up massive forms. No part of a proposed structure shall appear silhouetted against the sky above the nearest ridgeline when viewed from the nearest collector or arterial street, as designated in the City's transportation plan

F. Parking Lots. Parking areas shall be sized in accordance with parking standards for size and number of parking spaces as set forth in Chapter 23.46-54 RMC. The number of parking spaces provided for any commercial use shall not exceed 125% of the minimum parking standard as identified in Section 23.4654.020 RMC. Screening of parking areas within the Hillside and Ridgeline Combining District shall be required to screen or reduce the visibility of the parking areas when viewed from a public street. ~~(Note: the language used in Section 23.36.050(E)(3) should be used here as well.)~~ Interior landscaping requirements set forth in Section 23.54.110(B) RMC may be waived by the Planning Commission.

G. Signing and Lighting Standards. Signing requirements within the Hillside and Ridgeline Combining District shall be consistent with the standards set forth in Title 27 of the RMC for C-1 Neighborhood Commercial uses in terms of the number and size of permitted signs. Outdoor lighting shall be shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and low-profile fixtures are encouraged.

H. Process. Any proposal for commercial development within the Hillside and Ridgeline Combining District shall be reviewed through the Hillside Development Permit process by the Planning Commission as set forth in Section 23.36.070 RMC.

Addition to PUD Code:

Section 23.50.020 Uses Permitted

A planned unit development district may be approved for any use or combination of uses listed in Chapter 23.14 through 23.30 RMC, except that a planned unit development district shall not be applied to any property contained within the Hillside and Ridgeline ~~Combining Overlay~~ District. The uses permitted in any specific PUD district shall be enumerated in the ordinance establishing such district.

Definitions

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AVERAGE SLOPE. A determination of slope expressed as a percentage of a site proposed for development which measures the total horizontal distance between the total vertical distance (the highest and lowest elevations) present on the site.

SLOPE. An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%).

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BASEMENT. Any story below the first story of a building.

BUILDING. Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

COMPACTION. The densification of a Fill by mechanical means.

CUT. A portion of land surface or areas from which earth has been removed or will be removed by excavation.

ELEVATION. Vertical distance in feet above sea level.

FILL. The depositing of soil, rock or other earth materials by artificial means.

GRADING. Any Cut or Fill, or combination thereof, or recompaction of soil, rock or other earth materials.

GRADING, REMEDIAL. For the purposes of Section 12.21 C.10 of this Code, Remedial Grading shall mean grading recommended by a California Licensed Geologist and/or Licensed Engineer prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of this Code, and approved by the Department of Building and Safety-Grading Division, that is necessary to mitigate a geologic or geotechnical hazard on a site (including for access driveways), including, but not limited to: 1) correction of hazardous soil and earth conditions, when notified by the Department of Building and Safety in accordance with Section 91.7005.7 of this Code, 2) removal and re-compaction of soil for a Building site to remediate expansive, compressible or seismically unstable soils, 3) grading required to provide a minimum factor of safety of 1.5 for stability of slopes, and/or 4) grading to bring existing steep non-conforming graded slopes into conformance with current Code requirements for fill and excavated slope gradients.

RIDGELINE. The highest portion of a hillside that forms a continuous elevated crest above 1,000 feet above sea level.

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RIDGELINE DEVELOPMENT. Any structure whose combination of location on the hillside and building height results in the roofline of the structure extending above the adjacent ridgeline.



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT *Development Services Division*

TO: PLANNING COMMISSION

FROM: CITY OF RICHLAND DEVELOPMENT SERVICES DIVISION

DATE: APRIL 9, 2014

SUBJECT: Second Workshop Discussion, Potential Amendments to RMC Title 23, Zoning

At the March 12th workshop Planning Staff introduced 10 potential amendments to the zoning code to the Commission. Direction was given to pursue all of the amendments but prior to drafting revised and new code language a few of them warranted more detailed discussion. All of the amendments are summarized below and those to be discussed in more detail are noted. Staff will present exhibits at the workshop to aid in the discussion.

SETBACKS

1. Fence setbacks on corner lots. Consider reducing the setbacks on the flanking street frontage (non-address side of the lot) to 10-feet from the edge of the improvement for 6-foot fences.

STAFF WILL PROVIDE MORE PICTURES AND FEEDBACK FROM THE PUBLIC WORKS DEPT.

2. Reduce home setbacks on corner lots. Consistent with the requirements for fences above, consider reducing the flanking side yard setback from 20 feet to possibly 15 feet.

STAFF WILL PROVIDE PICTURES AND FEEDBACK FROM THE PUBLIC WORKS DEPT.

3. Zoning district setbacks, single-family to multi-family residential. Consider a sliding scale for the setback based on the density or massing of the multi-family development.

STAFF WILL PROVIDE PICTURES OF TRANSITIONAL DEVELOPMENT.

4. Access easement "alley" setbacks. Consider a minimum structural setback such as 6 feet from private streets that function as the primary access to more than one lot.

STAFF WILL PROVIDE EXAMPLES OF EXISTING SETBACKS FROM ALLEYS IN THE CITY.

5. Sheds & detached structures. Remove the requirement that sheds and other detached garages are 6 feet from the primary residence as this is no longer required by the International Building Code (IBC).

NO FURTHER DISUCSSION. CODE UPDATES TO BE REVIEWED AT THE FUTURE HEARING.

SUBDIVISION

6. Amend the plat application requirements. Reduce required map copies due at submittal from 32 to 15 and require electronic formats as well, CAD & .PDF.

NO FURTHER DISUCSSION. CODE UPDATES TO BE REVIEWED AT THE FUTURE HEARING.

7. Increase the amount of lots permitted via a short plat. Currently the maximum is 4 lots; State law allows up to 9 lots.

STAFF WILL PROVIDE FEEDBACK FROM THE PUBLIC WORKS DEPT.

8. Allow development on previously consolidated lots if they are returned to the size to which they were originally platted.

NO FURTHER DISUCSSION. CODE UPDATES TO BE REVIEWED AT THE FUTURE HEARING.

OTHER

9. Establish minimum size for required landscaping trees at planting. Currently no caliper size is stated at planting.

STAFF WILL PROVIDE PHOTOS OF SMALL TREES PLANTED WHICH ARE INTENDED TO BE STREET TREES.

10. Develop a definition and identify which zoning districts in which to allow distilleries.

NO FURTHER DISUCSSION. CODE UPDATES TO BE REVIEWED AT THE FUTURE HEARING.

MEMORANDUM

*Community and Development Department
Planning & Development Services Division*

TO: PLANNING COMMISSION

FROM: RICK SIMON, DEVELOPMENT SERVICES MANAGER

DATE: APRIL 9, 2014

RE: HEARING EXAMINER

The attached memo was presented to the City Council at their meeting of March 18th. At that time they gave staff direction to prepare draft ordinances to implement the recommendations included in the memo. Staff is currently working to develop code language that would implement a hearing examiner system. Draft language will be prepared for the Commission's review later, but at the memo represents the direction that the City is moving in regard to a hearing examiner system.



MEMORANDUM

Community & Development Services

TO: City Council

FROM: Rick Simon, Development Services Manager

THROUGH: Bill King, Deputy City Manager
Cindy Johnson, City Manager
Heather Kintzley, City Attorney

DATE: March 18, 2014, 2014

SUBJECT: Hearing Examiners

At Council's January 23rd retreat, staff was tasked with preparing a recommendation for how the City could best implement a hearing examiner system. Staff considered the following factors:

- Insuring all parties have access an efficient and predictable permitting process;
- Establishment of a well documented and defensible hearing record.;
- Overall cost of implementation;
- Streamlining the permit review system.

Overview of Current Permitting System

There are a couple dozen permit categories that are currently defined in code. Table I in the attached appendix provides a listing of these permit types and indicates who the hearing body is, who makes the final permit decision for the City and who hears appeals of decisions for each permit category.

Recommended Changes

Table II in the attached appendix provides a listing of staff recommended changes to the City permitting system. These changes involve: retaining and making slight adjustments to the Board of Adjustment role; taking some permit categories from a public hearing review to an administrative review, providing for the targeted use of

hearing examiner by assigning to the examiner the permit categories that have historically generated the most controversy and tend to be the most complicated. The examiner would be given authority to make final decisions for the City where allowed by law.

Under this recommendation, the Board of Adjustment would be retained and would continue to function in their current role of hearing zoning variance cases which usually involve reductions in property setbacks that allow an owner to construct a garage or carport. Variance applicants are typically Central Richland homeowners; have limited impact in a neighborhood, do not generate significant public interest and are rarely complicated matters. The legal expertise and resulting higher costs that a hearing examiner would bring to variance review are not usually needed.

The Board also performs the review of some categories of special use permits. Under the recommended changes, the Board would retain this function and be given the additional task of hearing requests for off-street parking reductions. While there are numerous permit categories, the City only reviews special use permit applications on a couple of occasions in an average year.

Finally, under the City's current system, the Board is responsible for reviewing appeals of administrative determinations. While such appeals occur very infrequently, they tend to be technical issues that would best be resolved using the expertise of a hearing examiner.

Site plan reviews and some categories of special use permits would become administrative permits that would no longer require a public hearing. In the case of site plan review, the code specifically sets forth criteria for the development of the property and there is limited discretion to be applied in the permit review. In the case of some special use permit categories, additional code language would need to be developed to provide specific criteria that staff could apply in the review of these applications. Code amendments would also be required to provide a means for the public to be informed of these applications and to invite public comment. If an administrative decision is appealed, the hearing examiner would conduct an appeal hearing.

Under this recommendation the Planning Commission would retain all of their legislative advisory functions, providing input to the Council on matters concerning the comprehensive plan, code amendments, area wide rezones and development agreements. Additionally, the Commission would hold hearings on issues that are more related to building design, such as reviewing building height exceptions, alternative building design standards for projects in the Central Business District and sidewalk use license applications.

The hearing examiner would be tasked with the review of site specific rezones, planned unit developments, some special use permits, preliminary plats, binding site plans and shoreline permits. These applications are the ones that typically generate the most controversy, are the most complicated and are most often appealed. The examiner's

Comment [KB1]: I don't think we take all development agreements to PC now.

Comment [SR2]: If they meet the definition of development agreement as contained in the GMA, then by law they need to be reviewed by the Planning Commission.

decisions would be appealable to superior court. The Council would retain their authority to hear appeals of decisions made by Planning Commission.

Costs

The overall cost of operating a hearing examiner system would be greater than operating under the City's present system of permit review. Staff is therefore proposing that only the types of permits have the greatest complexity or legal exposure be directed to a hearing examiner. The anticipated cost increase associated with using a hearing examiner could be further minimized by retaining the role of the Board of Adjustment and adopting code amendments that would change some permits to an administrative review. The increased costs for the remaining cases that do go to the examiner could be partially offset by implementing some increases to the permit fee schedule.

Comment [KB3]: Perhaps this discussion should be moved to the Cost section of this report.

Table III in the attached appendix identifies staff's recommended fee changes. Note that only the permit categories that would use hearing examiner review have been increased.

Based on the permit activity the City experienced over the past 3 years, the number of cases that could be expected to go to a hearing examiner would be approximately six per year. With an average estimated cost of approximately \$1,500 - \$2,000 per case, the City would be expected to pay between \$9,000 and \$12,000 annually. The proposed increase to the fee schedule outline above would generate approximately \$1,900 annually, meaning that the net cost of a hearing examiner to the City would be between \$7,000 and \$10,000.

Estimated Permit Activity Levels

Based on the permit activity levels that the City has experienced over the past three years, and as shown in Table IV in the attached appendix the recommendation would result in annual workloads as described below:

City Council

- Consideration of 2 or 3 zone change applications annually (state law mandates that Council make final decisions on zoning matters);
- Consideration of approximately 6 land use related code amendments;
- Review of approximately 3 comprehensive plan amendments;
- Review 1 or 2 proposals to declare a City property as surplus;
- Consideration of appeals of special use permits or other Board of Adjustment/Planning Commission decisions (These would occur less than once per year on average).

Planning Commission

- Hold hearings on approximately 6 land use related code amendments (this may increase as Commission would have more time to devote to review of code issues);

- Consideration of approximately 3 comprehensive plan amendments;
- Consideration of proposed zoning for one or two annexation proposals;
- Review of 2 or 3 planning documents (such as master plans, sub-area plans, transportation improvement programs);
- Review of 1 or 2 proposals to declare a property as surplus;
- Review of 1 or 2 sidewalk use license applications;
- Review of 1 request for a building height exception or alternative design standard.

Board of Adjustment

- Consideration of 3 or 4 variance requests;
- Consideration of 1 or 2 requests for special use permits.

Staff

- Processing of approximately 5 administrative site plan applications/special use permits that previously required public hearing.
- Processing all land use and permit applications
- Preparing staff reports for all applications
- Overseeing the implementation of all permit decisions

Hearing Examiner

- Processing of 2 or 3 zone change applications;
- Processing of approximately one Planned Unit Development application;
- Processing of approximately 2 preliminary plat applications;
- Processing of approximately 2 shoreline permits;
- Consideration of appeals of administrative decisions (this is rare and would be expected to occur less than once annually).

Implementation of Recommendation

If Council is interested in adopting this recommendation for implementation of a hearing examiner, then the following steps would need to be completed:

- Amendments to the land use regulations establishing the Hearing Examiner system. This would require amendments to Titles 19, 22, 23, 24 and 26.
- Adoption of revised fee schedule;
- Going through an RFQ process for the hiring of a hearing examiner;
- Amendments to City code making some special use permits and site plan reviews administrative and establishing a process of public notification and comment for those types of applications;

Appendix
Hearing Examiner Recommendations

Table 1 – Current Permitting System

Permit Type	Hearing Body	Decision Body	Appeal
<i>Zoning Approvals</i>			
Planned Unit Development	Planning Com	City Council	Sup Court
Major Modification to Special Use Permits	Planning Com or Board of Adjust	Planning Com or Board of Adjust	City Council
Special Use Permit	Planning Com or Board of Adjust	Planning Com or Board of Adjust	City Council
Site Plan Approvals	Planning Com	Planning Com	City Council
Building Height Exceptions	Planning Com	Planning Com	City Council
Alternative Design Standards	Planning Com	Planning Com	City Council
Joint Use Parking Reductions	Planning Com	Planning Com	City Council
Schools (min size waivers)	Planning Com	Planning Com	City Council
Area Wide Rezone	Planning Com	City Council	Sup. Court
Site Specific Rezone	Planning Com	City Council	Sup. Court
Variance	Board of Adjust	Board of Adjust	Sup. Court
<i>Subdivision Approvals</i>			
Large Binding Site Plan	Planning Com	City Council	Sup. Court
Preliminary Plat	Planning Com	City Council	Sup. Court
Final Plat	NA	City Council	Sup. Court
Major Plat Revision	Planning Com	City Council	Sup Court
Extension of Preliminary Plat	Planning Com	Planning Com	City Council
<i>Shoreline Permits</i>			
Substantial Development Permit	Planning Com	Planning Com	City Council
<i>Other Approvals – Legislative Items</i>			
Development Agreements	Planning Com	City Council	Sup. Court
New Development Regulations	Planning Com	City Council	Sup. Court
Amendments to Existing Regulations	Planning Com	City Council	Sup. Court
Comprehensive Plan Amendment	Planning Com	City Council	GMA Hearings Board
<i>Appeals</i>			
Appeals of Administrative Decisions – Zoning or Critical Areas Regulations	Board of Adjust	Board of Adjust	City Council
Appeals of Administrative Decisions – Subdivision Regulations	Planning Com	Planning Com	City Council

Table II – Recommended Changes to Permitting System

Permit Type	Hearing Body	Decision Body	Appeal
Zoning Approvals			
Planned Unit Development	Hearing Examiner	Hearing Examiner	Sup Court
Major Modification to Special Use Permits	Board of Adjust	Board of Adjust	City Council
Special Use Permit	Board of Adjust / Hearing Examiner	Board of Adjust/ Hearing Examiner	City Council
Site Plan Approvals	None	Administrative	Hearing Examiner
Building Height Exceptions	Planning Com	Planning Com	City Council
Alternative Design Standards	Planning Com	Planning Com	City Council
Joint Use Parking Reductions	Board of Adjust.	Board of Adjust	City Council
Schools (min size waivers)	Hearing Examiner	Hearing Examiner	Sup. Court
Area Wide Rezone	Planning Com	City Council*	Sup. Court
Site Specific Rezone	Hearing Examiner	City Council*	Sup. Court
Variance	Board of Adjust	Board of Adjust	Sup. Court
Subdivision Approvals			
Large Binding Site Plan	Hearing Examiner	Hearing Examiner	Sup. Court
Preliminary Plat	Hearing Examiner	Hearing Examiner	Sup. Court
Final Plat	NA	City Council	Sup. Court
Major Plat Revision	Hearing Examiner	Hearing Examiner	Sup Court
Extension of Preliminary Plat	None	Administrative	City Council
Shoreline Permits			
Substantial Development Permit	Hearing Examiner	Hearing Examiner	Shoreline Board
Other Approvals – Legislative Items			
Development Agreements	Planning Com	City Council	Sup. Court
New Development Regulations	Planning Com	City Council	Sup. Court
Amendments to Existing Regulations	Planning Com	City Council	Sup. Court
Comprehensive Plan Amendment	Planning Com	City Council	GMA Board
Appeals			
Appeals of Administrative Decisions – Zoning or Critical Areas Regulations	Hearing Examiner	Hearing Examiner	Sup. Court
Appeals of Administrative Decisions – Subdivision Regulations	Hearing Examiner	Hearing Examiner	Sup Court

Comment [KB1]: Does a PUD require Council approval of an ordinance like other zoning cases.

*State law requires Council make the final decision on all zone change applications.

Table III – Recommended Fee Increases

Land Use Application Fees	Fees	Unit
Annexation		
Annexation Petition	\$905	Per Application
SEPA		
SEPA – Application for Threshold Determination	\$165 – No Notifications Required \$330 – With Notifications Required	Per Project
Shoreline		
Shoreline Management Permit	\$905 – <u>\$1,200</u>	Per Application
Shoreline Program Amendment	\$655	Per Application
Subdivision		
Plat Exemption/Lot Line Adjustment	\$32	
Binding Site Plan	\$50 <u>\$75</u> \$330 <u>\$525</u>	Per lot Minimum No Maximum
Final Plat	\$330	Per Application
Preliminary Plat	\$30 <u>\$40</u> \$845 <u>\$1,200</u> \$1,960 <u>\$3,500</u>	Per Lot Minimum Maximum
Plat Vacation or Alteration	\$460	Per Application
Short Plat	\$385	Per Application
Zoning		
Appeal of Administrative Decision	\$140 <u>\$500</u>	Per Application
Appeal of Board of Adjustment of Planning Commission Action	\$140	Plus Costs of Transcription Preparation
Planned Unit Development	\$20 <u>\$60</u> \$650 <u>\$900</u> \$1,320 <u>\$3,000</u>	Per Acre Minimum Maximum
Site Plan Review	\$650 <u>\$385</u>	Per Application
Special Use Permit	\$385	Per Application
Variance	\$330	Per Application
Zone Change	\$905 <u>\$1,100</u>	Per Application
Zoning Text Amendments	\$650	Per Application
Comprehensive Plan Change	\$905	Per Application

Table IV – Permit Activity Levels 2011 - 2013

Permit Type	Actual Permit Totals			Permit Activity if Recommendation had been Implemented (3 year total)			
	2011	2012	2013	Hearing Examiner	Planning Commission	Board of Adjustment	Administrative Review
Zoning Amendments	3	1	3	7	0	0	0
Annexations	1	2	2	0	5	0	0
Code Amendments	10	5	2	0	17	0	0
Preliminary PUDs	0	1	0	1	0	0	0
Special Use Permits	1	4	4	0	0	2	7
Site Plan Reviews	4	2	2	0	0	0	8
Bldg. Height Reviews	0	1	0	0	1	0	0
Preliminary Plats	2	0	2	4	0	0	0
Comprehensive Plan Amendments	0	4	5	0	9	0	0
Review of other Planning Documents	2	2	3	0	7	0	0
Shoreline Permits	2	2	1	5	0	0	0
Surplus of City Owned Properties	1	1	3	0	5	0	0
Sidewalk Use Licenses	2	1	2	0	5	0	0
TOTALS	28	26	29	17	49	2	15