



Agenda

RICHLAND PLANNING COMMISSION WORKSHOP

City Manager's Conference Room - 505 Swift Boulevard

WEDNESDAY, September 10, 2014

7:00 p.m.

COMMISSION MEMBERS: James Utz, 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 ADJUSTMENTS TO THE BADGER MOUNTAIN SOUTH MASTER PLAN**
- 2. DISCUSSION OF HILLSIDE DEVELOPMENT REGULATIONS**

Adjournment

Planning Commission Regular Meeting – Wednesday, September 24, 2014
Planning Commission Workshop Meeting – Wednesday, October 8, 2014

THIS MEETING IS BROADCAST LIVE ON CITYVIEW CHANNEL 13 AND ON WWW.CLRICHLAND.WA.US/CITYVIEW
Richland City Hall is ADA Accessible with Access and Special Parking Available at the Entrance Facing George Washington Way. Requests For Sign Interpreters, Audio Equipment, or Other Special Services Must be Received 48 Hours Prior to the Meeting Time by Calling the City Clerk's Office at 509-942-7388.

MEMORANDUM

Community and Development Department
Planning & Development Services Division

TO: PLANNING COMMISSION

FROM: RICK SIMON, DEVELOPMENT SERVICES MANAGER

DATE: SEPTEMBER 10, 2014

RE: SEPTEMBER WORKSHOP

Badger Mountain South

For our workshop this month, Todd Sawin, project manager from AHBL representing Nor Am Inc. will be discussing proposed changes to the Badger Mountain South Land Use and Development Regulations (LUDR). At the last regular meeting, you heard from Dr. Larry White of Nor Am, Inc. discuss the need for changes to the LUDR. This meeting Todd will be presenting some specific changes to the LUDR standards. A copy of the materials submitted by AHBL is attached.

Hillside Development Standards

Our last discussion concerning hillside development standards was to pare down the ordinance to only address the most critical elements: retaining wall height and ridgeline development. The retaining wall standard (Section 23.36.050) is pretty well defined, but ridgeline standards may still need some further work. Under the attached draft, ridgelines (Section 23.36.040) are defined as being over 1,000 feet in elevation. That language would subject Little Badger and the eastern flank of Badger Mountain to these standards but would exempt the saddle that lies between Little Badger and Badger Mountain. Refer to the attached contour map. This exemption is suggested due to the relatively gentle slopes that exist within the saddle area and the very large area that would be subject to the rule that prohibits development within 50 vertical feet of the ridgeline as identified in the table that is a part of Section 23.36.030.

The ridgeline standards were amended to further clarify how the 50 foot standard would be measured: the grade plane (finished grade of the building) would have to be at least 50 feet below the elevation of the nearest ridgeline. A residence could be built to the maximum height of 30 feet and would still be 20 feet below the elevation of the ridgeline.

Building setbacks within the overlay would be reduced in an effort to minimize the amount of cut and fill needed to create building pads. Front yards would be slightly reduced from 20 feet (current standard) to 18 feet for garages and 15 feet for living areas, with a stipulation that side loaded garages could have a further reduced setback down to 10 feet. Rear setbacks would be reduced from 25 feet (current standard) to 15 feet.

Commercial standards have been left in the latest draft as the Badger Mountain South Subarea Plan designates a site for commercial development.

Other Topics

One last reminder: there is a Planning Short Course scheduled in Pasco on September 16th. Registration information is attached.

In response to a request from the Commission, a copy of the amendments made to Titles 2 and 19 implementing a hearing examiner system are attached. Council passed these two ordinances at their meeting of September 2nd.

MEETING AGENDA & MINUTES



To: Rick Simon
Richland Planning Commission

Meeting Date: 09/10/14
Project No.: 2133020.10
Task No.: 00
Project Name: Badger Mountain South
Location: City of Richland

Prepared by: Todd Sawin, PE
AHBL Office: Tri-Cities
Attendees:

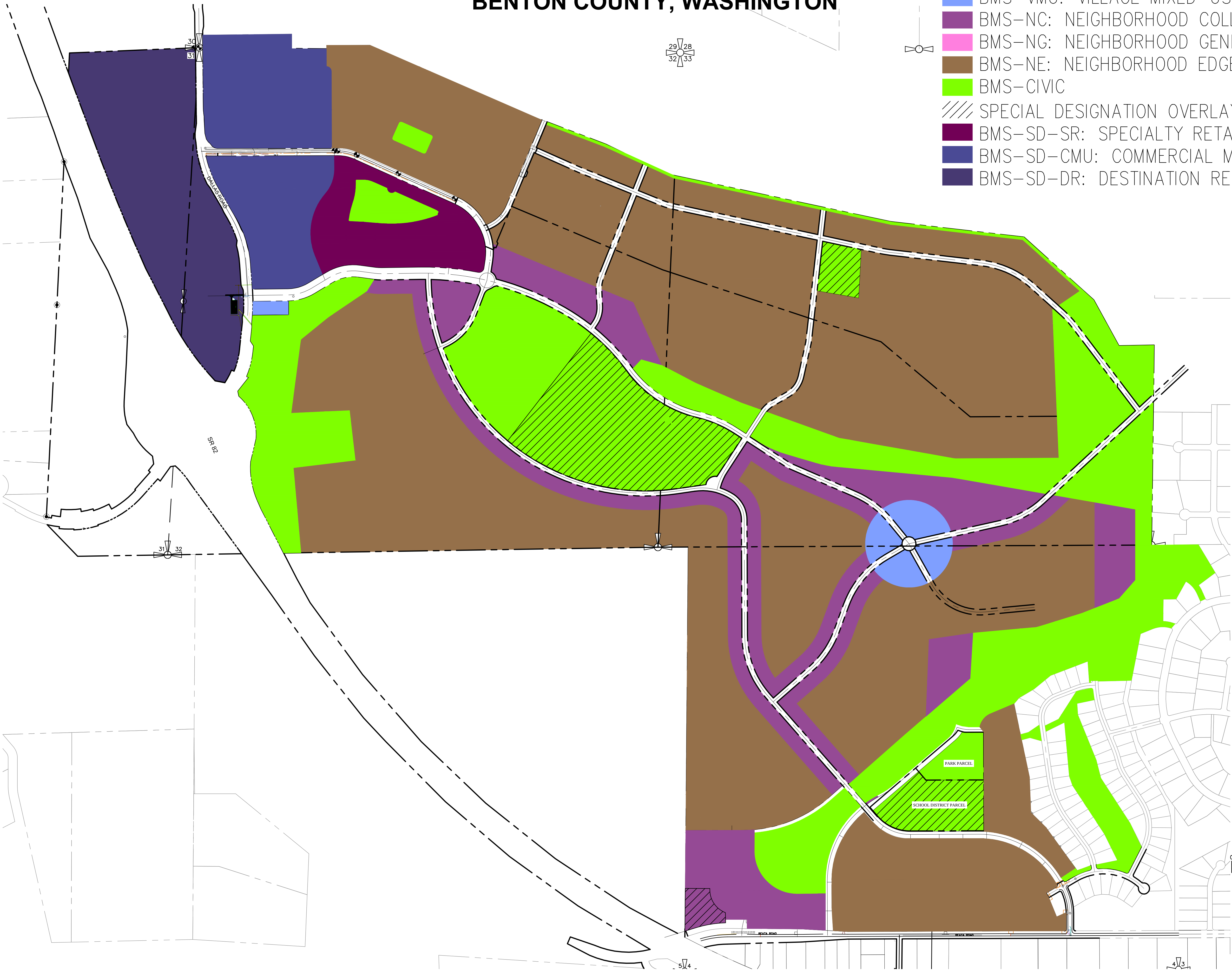
Agenda Topics:

- 1) Review builder interview results
 - a. Lot Size
 - b. Lot layout
 - c. Diversity of lots
 - d. HOA costs
 - e. CCRs and Architectural Review
- 2) Revisions to get to where we need to go
 - a. Double loaded lots
 - b. Use of cul-de-sacs
 - c. Block Lengths
 - d. Lot dimensions
- 3) Circulation Changes – use of road hierarchy to define a route (less parallel equal roads)
- 4) Review draft Land Use Map and what desired result

BADGER MOUNTAIN
SEC 20, 29, 30, 31, AND 32; TWP 9N; RNG 28
BENTON COUNTY, WASHINGTON

LEGEND

- BMS-VMU: VILLAGE MIXED-USE
- BMS-NC: NEIGHBORHOOD COLLECTOR
- BMS-NG: NEIGHBORHOOD GENERAL
- BMS-NE: NEIGHBORHOOD EDGE
- BMS-CIVIC
- //// SPECIAL DESIGNATION OVERLAY (-P)
- BMS-SD-SR: SPECIALTY RETAIL
- BMS-SD-CMU: COMMERCIAL MIXED USE
- BMS-SD-DR: DESTINATION RETAIL



Project Title:
BADGER MOUNTAIN
MASTER SITE PLAN

Client:
NOR AM
INVESTMENT, LLC

Job No.

Issue Set & Date:

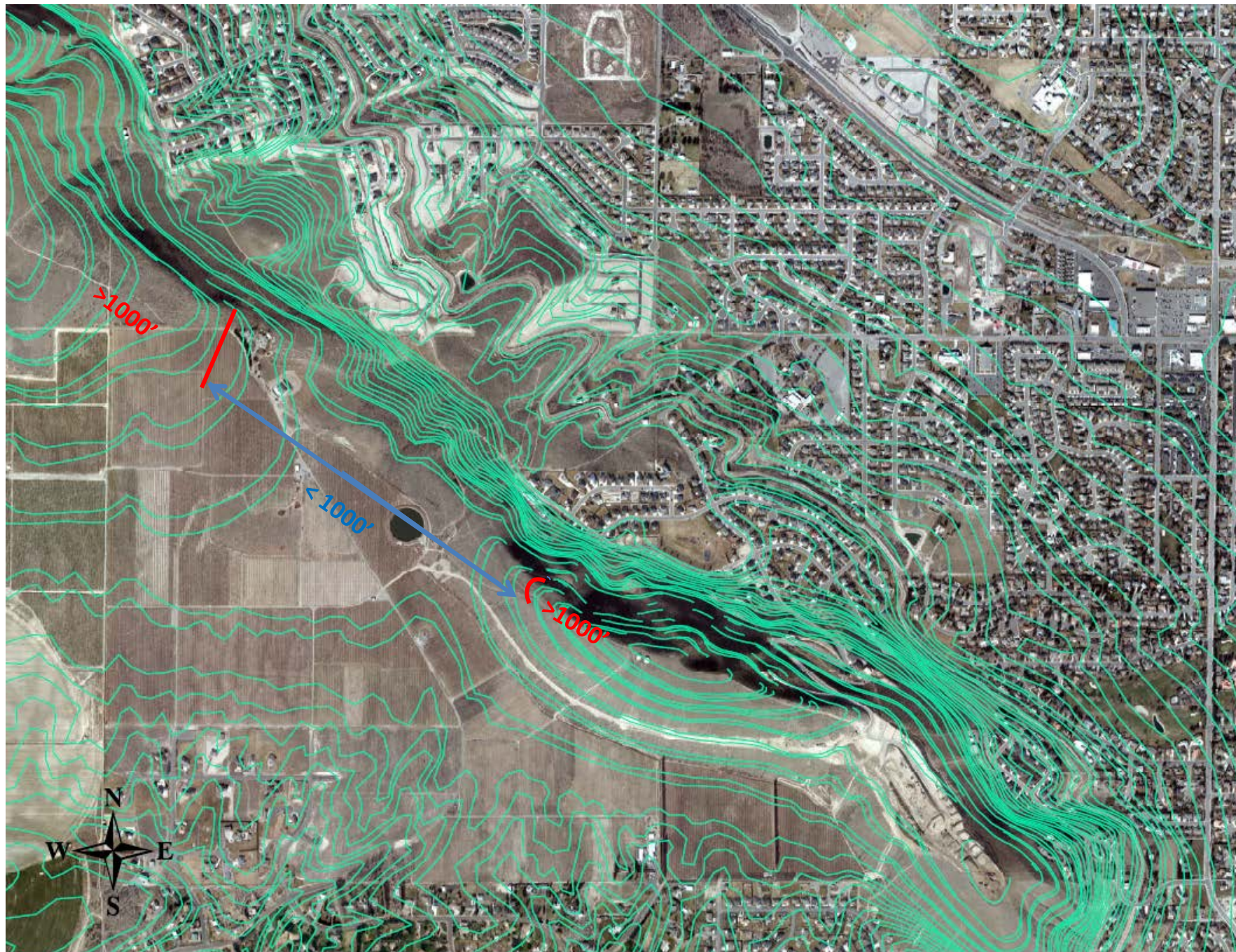
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Revisions:

Sheet Title:
SITE PLAN

Designed by: Drawn by: Checked by:

Sheet No.



Chapter 23.36
HILLSIDE AND RIDGELINE OVERLAY DISTRICT
August 2014

Sections:

- 23.36.010 Purpose.
- 23.36.020 Applicability.
- 23.36.030 Setback standards.
- 23.36.040 Ridgeline standards.
- 23.36.050 Retaining walls.
- 23.36.060 Commercial standards

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.** 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.

23.36.020 Applicability.

The requirements and guidelines in this chapter apply to subdivisions, and all other proposed development that falls within a designated Hillside Development Overlay District. The provisions of the Hillside Development Overlay 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 slope of 15 percent or greater, based on five foot contour intervals, with a minimum elevation differential of 25 feet. Applicants for land development approvals shall submit contour mapping sufficient to demonstrate their inclusion or exclusion into the Hillside Development Overlay District to the satisfaction of the Administrator.

23.36.030 Setback standards.

Any residential structure shall comply with the following setback requirements, which supercede the requirements of the base zoning district, to locate buildings as close as possible to the streets, encourage compact development, thereby minimizing the disruption of natural features.

Hillside Setbacks

Property Setback	Setback Distance
Front	15 ft. for main structure; 18 feet for garage or 10 feet for side-load garage
Side	10 ft. ⁽¹⁾
Rear	15 ft ⁽¹⁾
Ridgeline	50 vertical feet from ridgeline. Refer to Section 23.36.040

⁽¹⁾ 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 or side property line.

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.

023.36.040 Ridgeline standards.

A. A new structure or addition is prohibited within fifty vertical feet of a ridgeline. The fifty vertical foot measurement is to be taken from the point on the ridgeline that is closest to the proposed building site and the finished grade plane as defined in RMC 23.06.405. 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.

23.06.405 Grade plane. "Grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building. [Ord. 28-05 § 1.02].

B. An exception to the standard identified in 23.36.040A may be granted if the review authority first finds that:

- i. 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; and
- ii. The proposed building site is located to minimize visual impacts to the ridgeline to the greatest degree practical; and
- ii. The development will avoid significant adverse visual impacts due to the structural design of the proposed building, including height, bulk, size, foundation, siting, and landscaping.

C. Where 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.

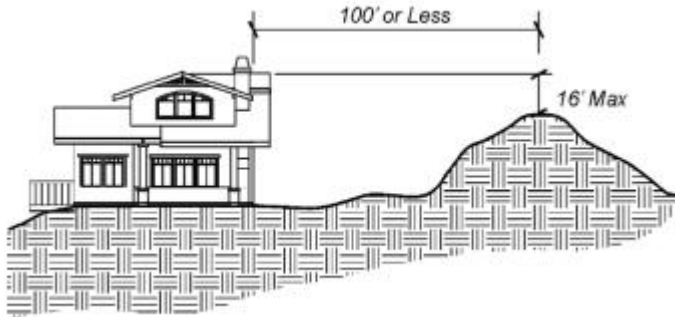


Figure 5-9. Highest Point Within One Hundred Feet of Structure

023.36.050 Retaining Walls

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

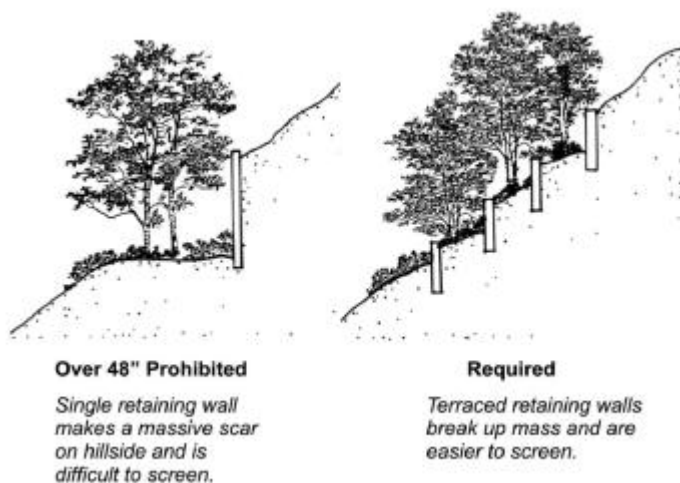


Figure 5-13. Retaining Wall Design

23.36.060 Commercial Standards.

Any structure proposed within the Hillside and Ridgeline Overlay District that is not a single family residence, or a structure that is accessory to a single family residence, shall be considered a commercial structure and is subject to conformance with these standards:

A. 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.

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

C. 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

D. Parking Lots. Parking areas shall be sized in accordance with parking standards for size and number of parking spaces as set forth in Chapter 23.54 RMC. The number of parking spaces provided for any commercial use shall not exceed 125% of the minimum parking standard as identified in Section 23.54.020 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. (Interior landscaping requirements set forth in Section 23.54.110(B) RMC may be waived by the review authority.

E. 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.



Planning Association of Washington



Department of Commerce
Innovation is in our nature.



A Short Course on Local Planning

Tuesday September 16, 2014, 6:15 p.m. – 9:30 p.m.

Pasco City Hall, 525 N. Third Avenue, Pasco, Washington

Agenda:

6:15 – 6:30 WELCOME AND INTRODUCTIONS

6:30 – 7:10 COMPREHENSIVE PLANNING AND IMPLEMENTATION BASICSGary Mabley

An overview of the Growth Management Act and components of a community comprehensive plan, including the goals of the plan, the basic elements which need to be addressed, the concepts of concurrency, consistency, regional compatibility and coordination, and the tools and techniques available for implementing the plan.

7:10 – 7:55 THE LEGAL BASIS OF PLANNING IN WASHINGTON STATE.....Mike Connelly

An introduction to the spectrum of land use planning statutes including the State Environmental Policy Act, the Shoreline Management Act. The constitutional basis for planning and constitutional issues in land use planning. The Appearance of Fairness Doctrine.

7:55 – 8:05 BREAK

8:05 – 8:35 OPEN GOVERNMENT AND SUNSHINE LAWS IN WASHINGTON.....Mike Connelly

The Open Public Meetings Act, the uses (and misuses) of email, the Public Records Act.*

8:35 – 9:05 ROLES AND RELATIONSHIPS IN THE PLANNING PROCESSTBD

Quasi-judicial and legislative functions of the planning commission. The various roles in the planning process and the relationships among jurisdictions, appointed and elected officials, planning staff and citizens. Suggestions for encouraging and fostering meaningful public participation and holding effective hearings.

9:05 – 9:30 QUESTIONS AND ANSWERS

"This training meets the requirements of ESB 5964(laws of 2014) requiring every member of a governing body to take Open Government training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role.

Co-Hosted by the City of Pasco and the Washington REALTORS

No Charge to Attend: Everyone is welcome

Please register by September 9, 2014, through www.wciapool.org (instructions on next page)

Washington Cities Insurance Authority (WCIA) Registration Instructions

- Step 1: Go the WCIA website, www.wciapool.org, and log in. *If this is your first time visiting the website, Click "New User," and complete the "User Profile" form. Your email address will be your User Name. You will need to create your own password.
- Step 2: Click "Education & Training." On the drop down that appears, click "Training Calendar." The trainings appear for each month by date.
- Step 3: Go to the date and title of the training you would like to attend and click "Register for this Event," then complete indicated fields in the box that appears and click "submit."
- *Note: The dialogue box allows you to register yourself or to register other individuals as a "Training Coordinator, however, each individual registered must have a unique e-mail address.

Location of Pasco City Hall, Pasco, Washington



The Short Course on Local Planning is an opportunity for elected officials, planning commission members, local government staff (clerks, administrators, attorneys), consultants, students, and community members to learn about comprehensive planning and community development, the legal framework for land use planning, and public involvement in the planning process.

www.commerce.wa.gov/growth 360.725.3064

Please forward this announcement to others who may be interested.

ORDINANCE NO. 17-14

AN ORDINANCE OF THE CITY OF RICHLAND
Amending Title 2: Administration and Personnel of the
Richland Municipal Code related to the duties of the City of
Richland Planning Commission.

WHEREAS, Washington State law allows for municipalities to utilize the services of a hearing examiner to collect and evaluate public comments related to pending land use decisions; and

WHEREAS, the hearing examiner process is a proven means to establish a fair and unbiased hearing environment which encourages public participation in land use decisions; and

WHEREAS, a hearing examiner process will provide a superior record which will help the City defend its land use decisions against possible legal challenge; and

WHEREAS, City Council, after months of consideration and research into the process, has determined that a hearing examiner system will improve the City's land use review process; and

WHEREAS, to successfully implement a hearing examiner system, certain changes must be made to the current duties of the Richland Planning Commission as codified in Title 2 of the Richland Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01 Section 2.16.050 of the Richland Municipal Code, as enacted by Ordinance No. 23 and last amended by Ordinance No. 38-05, shall be amended to read as follows:

2.16.050 Duties.

The commission shall perform the following duties:

A. Serve as an advisor to the city council in order to promote the orderly physical development and growth of the city;

B. Prepare a comprehensive plan for the orderly physical and social development of the city. The physical dimension of the comprehensive plan, for which the planning commission is responsible, shall include among its purposes and be designed to:

1. Encourage the most appropriate use of land throughout the municipality;
2. Lessen traffic congestion and accidents;
3. Secure safety from fire;

4. Provide adequate light and air;
5. Prevent overcrowding of land;
6. Avoid undue concentration of population;
7. Provide for the preservation of clean air, clean water and the natural, scenic, historic and aesthetic qualities of the environment;
8. Promote a coordinated development of undeveloped area;
9. Encourage the formation of neighborhood and community units;
10. Secure an appropriate allotment of land area in new developments for all requirements of community life;
11. Conserve and restore natural beauty and other natural resources;
12. Analyze flood protection;
13. Address the identification and preservation of historical buildings and places and archaeologically significant areas; and
14. Consider garbage, sewage treatment and solid waste disposal.

The comprehensive plan shall become the official plan of the city when approved by the city council and filed with the county auditor. The comprehensive plan shall be reviewed on an annual basis by the planning commission to consider updates and changes, and provide those recommendations to the city council. The commission may recommend to the city council the plan prepared as a whole, or may recommend parts of the plan by successive recommendations, the parts corresponding with geographic or political sections, divisions or subdivisions of the city, or with functional subdivisions of the subject matter of the plan.

The commission shall comply with requirements of notice and public hearing provided by law in initiating and recommending the whole or parts of the comprehensive plan;

C. Recommend, or prepare and recommend, for the adoption by the city council, regulations, amendments, extensions or additions to such regulations or plans for the physical development of the city in the interest of health, safety, morals or general welfare, including, but not limited to, the following:

1. The use of buildings and land for residence, trade, industrial and other purposes;
2. The height, number of stories, size, construction and design of buildings and other structures;
3. The size of yards, courts and other open spaces on the lot or tract;
4. The density of population;
5. The setback of buildings along highways, parks or public water frontages; and
6. The subdivision and development of land.

~~D. Review and make recommendations to the council on plats, plans or subdivisions, or dedications of land situated within the boundaries of the city or proposed for annexation to the city, subject to approval~~

~~by the council; hold public hearings on proposed plats and subdivisions; establish, subject to approval by the city council, such regulations and standards as are necessary to constitute a guide in determining whether or not the proposed plat or subdivision is in harmony with the comprehensive plan;~~

~~ED.~~ Act as a research and fact-finding agency of the city. The commission shall cause to be made such surveys, analyses, studies and reports as are generally authorized or requested by the city council;

~~FE.~~ Advance planning for public works programs and the long range capital budget therefor;

~~GF.~~ Establish such other work project priorities as the city council may direct;

~~HG.~~ Review, discuss and analyze all planning commission work products and projects, as well as the work products, projects and recommendations of the board of adjustment, when appropriate, and the parks and recreation commission, to ensure that the board of adjustment and the parks and recreation commission, as well as other boards, commissions and committees, have an opportunity to consider a given project in light of their specific knowledge and expertise.

Any project or recommendation received by the planning commission from the board of adjustment or parks and recreation commission shall be reviewed by the planning commission and, where appropriate, forwarded to such other boards, commissions or committees as may have an interest in the subject matter. Any projects or recommendations so forwarded shall contain a copy of the original recommendation or project report received by the planning commission, together with planning commission comments, and shall direct that the project report or recommendation be returned to the planning commission within 30 days, with appropriate comments by the board, commission or committee to which referral was made.

Following review by the planning commission, and the receipt of recommendations and comments from other boards, commissions or committees, if such comments were requested and supplied within the 30-day period, the planning commission shall forward the original project or recommendation, through staff, to the city council, together with any planning commission comments or recommendations, and comments or recommendations of any other boards, commissions or committees;

~~IH.~~ Review, discuss and analyze such work products and projects as may be referred to the commission by the council, or staff, and ensure that any such work products or projects are referred to the board of adjustment or parks and recreation commission, in instances wherein those boards, commissions or committees would have an interest in the subject matter, and are referred to other city boards, commissions or committees through staff, where such other boards, commissions or committees would have an interest in the subject matter;

~~J.~~ Form, subject to advance approval of the city council, ad hoc committees from within as well as outside its membership, to study specific problems or projects which may arise from time to time. The planning commission shall at all times be available for citizen input concerning any matter which the commission is considering, or may consider;

~~KJ.~~ The administrative staff of the city as assigned by the city manager shall provide staff assistance and serve as liaison between the planning commission and those boards, commissions or committees not represented on the planning commission, and shall also serve to facilitate communication by the planning commission to the city council. [Ord. 23 § 1.05; Ord. 567 § 1.01; Ord. 595 § 1.03; Ord. 715 § 1.01; Ord. 806 § 1.16; Ord. 40-98; Ord. 38-05].

Section 1.02 This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the 2nd day of September 2014.

DAVID W. ROSE
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: September 7, 2014

ORDINANCE NO. 19-14

AN ORDINANCE OF THE CITY OF RICHLAND
Amending Title 19: Development Regulation Administration
of the Richland Municipal Code, establishing a hearing
examiner system in the City of Richland and making related
amendments.

WHEREAS, Washington State law allows for municipalities to utilize the services of a hearing examiner to collect and evaluate public comments related to pending land use decisions; and

WHEREAS, the hearing examiner process is a proven means to establish a fair and unbiased hearing environment which encourages public participation in land use decisions; and

WHEREAS, a hearing examiner process will provide a superior record which will help the City defend its land use decisions against possible legal challenge; and

WHEREAS, City Council, after months of consideration and research into the process, has determined that a hearing examiner system will improve the City's land use review process; and

WHEREAS, to successfully implement a hearing examiner system, certain changes must be made to the administration of development regulations as codified in Title 19 of the Richland Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Richland as follows:

Section 1.01 RMC Chapter 19.20, entitled Types of Project Permit Applications, as enacted by Ordinance No. 12-96 and last amended by Ordinance No. 29-12, shall be amended to read as follows:

Chapter 19.20 TYPES OF PROJECT PERMIT APPLICATIONS

Sections:

- 19.20.010 Procedures for processing development permits.**
- 19.20.020 Determination of proper type of procedure.**
- 19.20.030 Project permit application framework.**
- 19.20.040 Joint public hearings.**
- 19.20.050 Legislative decisions.**
- 19.20.060 Legislative enactments not restricted.**
- 19.20.070 Exemptions from project permit application processing.**

19.20.010 Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, or Type III. Legislative decisions are Type IV actions, and are addressed in RMC 19.20.050. Exclusions from the requirements of project permit application processing are contained in RMC 19.20.070.

A. Type I permits include the following types of permit applications:

1. Minor revisions to planned unit developments;
2. Final approvals of planned unit developments;¹
3. Short plats;
4. Small binding site plans;
5. Minor revisions to preliminary plats;
6. Minor revisions to site plans;
7. Minor revisions to special use permits;
8. Minor revisions to shoreline substantial development permits;
9. Accessory dwelling units.
10. Extension of preliminary plat approvals.

B. Type II permits include the following types of permit applications:

1. Shoreline substantial development permits or major revisions thereof;
2. Large binding site plans;
3. Site plan approvals or major revisions thereof;
4. Building height exceptions;
5. Design review – acceptance of alternative design standards;
6. Schools on small sites;
- ~~7. Extension of preliminary plat approvals;~~
- ~~7.8.~~ Joint use parking reductions;
- ~~8.9.~~ Special sign permits;
- ~~10. Planned unit development – final approvals;²~~
- ~~9.11.~~ Special use permits or major revisions thereof.

C. Type III permits include the following types of permit applications:

1. Preliminary plats or major revisions thereof;
2. Site-specific rezones;
3. Planned unit developments – preliminary approvals;
4. Development agreements.

D. Type IV permits include the following types of permit applications:

1. Zoning code text and zoning district amendments;
2. Adoption of development regulations and amendments;
3. Areawide rezones to implement new city policies;
4. Adoption of the comprehensive plan and any plan amendments; and
5. Annexations. [Ord. 12-96; Ord. 29-12 § 1.01].

19.20.020 Determination of proper type of procedure.

A. Determination by Director. The deputy city manager for community and development services or his/her designee (hereinafter the “director”) shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type number.

B. Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by this code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.

C. Decision-Maker(s). Applications processed in accordance with subsection (B) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The city council is the highest, followed by [the hearing examiner](#), the board of adjustment or planning commission, as applicable, and then the director. Joint public hearings with other agencies shall be processed according to RMC 19.20.040. [Ord. 12-96; Ord. 31-03; Ord. 29-12 § 1.01].

[D. Whenever an application involving a comprehensive plan amendment or other legislative action is filed with quasi-judicial actions such as applications for zoning reclassifications, special use permits, planned unit developments and/or preliminary plats, the application requiring legislative action shall first be completed as specified within this title. Following a final decision on the legislative action\(s\), the hearing examiner shall then consider the applications requiring quasi-judicial action.](#)

19.20.030 Project permit application framework.

PROJECT PERMIT APPLICATION TYPE AND PROCEDURE				
	Type I	Type II	Type III	Type IV
Recommendation Made By:	N/A	N/A	Planning Commission <u>Hearing Examiner</u>	Planning Commission
Permit Decision Made By:	Director	Board of Adjustment or Planning Commission <u>or</u> <u>Hearing Examiner</u> ¹	City Council	City Council
Notice of Application:	No	Yes	Yes	No
Notice of Decision:	Yes	Yes	Yes	No
Notice of Hearing:	No	Yes	Yes	Yes
Open Record Public Hearing:	No	Yes, before Board of Adjustment or Planning Commission or Hearing Examiner ¹	Yes, before Planning Commission <u>Hearing Examiner</u>	Yes, before both Planning Commission and City Council
Open Record Appeal Hearing:	Yes, before Board of Adjustment or Planning Commission <u>Hearing Examiner</u>	No	No	N/A
Closed Record Appeal Hearing:	Yes, before City Council <u>No</u>	Yes, before City Council	Yes, before City Council	N/A
Judicial Appeal:	Yes	Yes	Yes	Yes

¹ RMC 23.46.025 defines the specific special use permit applications for which the ~~planning commission~~ hearing examiner or board of adjustment is designated as the hearing body.

[Ord. 12-96; Ord. 29-12 § 1.01].

19.20.040 Joint public hearings.

A. Director's Decision to Hold Joint Public Hearings. The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency on the proposed action, as long as:

1. The hearing is held within the city limits; and
2. The requirements of subsection (C) of this section are met.

B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearing.

C. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, as long as:

1. The other agency is not expressly prohibited by statute from doing so;
2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing. [Ord. 12-96; Ord. 29-12 § 1.01].

19.20.050 Legislative decisions.

A. Decisions. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

1. Zoning code text and zoning district amendments;
2. Adoption of development regulations and amendments;
3. Areawide rezones to implement new city policies;
4. Adoption of the comprehensive plan and any plan amendments; and
5. Annexations.

B. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the city council on the decisions listed in subsection (A) of this section. The public hearing shall be held in accordance with the requirements of Chapter 19.60 RMC.

C. City Council. The city council may consider the planning commission's recommendation in a public hearing held in accordance with the requirements of Chapter 19.60 RMC.

D. Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in Chapter 19.40 RMC.

E. Implementation. The city council's decision shall become effective by passage of an ordinance. [Ord. 12-96; Ord. 29-12 § 1.01].

19.20.060 Legislative enactments not restricted.

Nothing in this chapter or the permit processing procedures shall limit the authority of the city council to make changes to the city's comprehensive plan, as part of an annual revision process, or to make changes to the city's development regulations. [Ord. 12-96; Ord. 29-12 § 1.01].

19.20.070 Exemptions from project permit application processing.

A. Whenever a permit or approval in the RMC has been designated as a Type I, II, III, or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are, however, specifically excluded from the procedures set forth in this title:

1. Landmark designations;
2. Street vacations;
3. Street use permits;
4. Variances processed in accordance with Chapter 23.70 RMC;
5. Final plats processed in accordance with Chapter 24.12 RMC.

B. Pursuant to RCW 36.70B.140(2), building permits, boundary line adjustments, other construction permits, or similar administrative approvals which are categorically exempt from environmental review under SEPA (Chapter 43.21C RCW) and RMC Title 22 (Environment), or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:

1. Determination of completeness (RMC 19.30.030(A));
2. Notice of application (RMC 19.30.040);
3. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing (RMC 19.20.020(B));
4. Joint public hearings (RMC 19.20.040);
5. Single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing (RMC 19.60.020(C)); and
6. Notice of decision (RMC 19.60.080). [Ord. 12-96; Ord. 28-05 § 1.07; Ord. 29-12 § 1.01].

1 Review of final planned unit development is undertaken by either the administrative official or the planning commission, depending upon the conditions of approval attached to the preliminary approval of a PUD application per RMC 23.50.040(D).

Section 1.02 A new section, entitled Hearing Examiner, is hereby created and codified as RMC Chapter 19.25, and shall read as follows:

Title 19 DEVELOPMENT REGULATION ADMINISTRATION

Chapters:

- 19.10 General Provisions**
- 19.20 Types of Project Permit Applications**
- 19.25 Hearing Examiner**
- 19.30 Type I – III Project Permit Applications**
- 19.40 Public Notice**
- 19.50 Consistency with Development Regulations and SEPA**
- 19.60 Open Record Public Hearings**
- 19.70 Closed Record Decisions and Appeals**
- 19.80 Application and Appeals Fees**
- 19.90 Comprehensive Plan and Development Regulation Amendments**

Chapter 19.25 HEARING EXAMINER

Sections:

- 19.25.010 Purpose.
- 19.25.020 Hearing examiner – Office created – Duties.
- 19.25.030 Hearing examiner – Appointment.
- 19.25.040 Hearing examiner – Qualifications.
- 19.25.050 Hearing examiner – Removal.
- 19.25.060 Hearing examiner – Freedom from improper influence.
- 19.25.070 Hearing examiner – Conflict of interest.
- 19.25.080 Hearing examiner – Prescription of rules for hearings.
- 19.25.090 Public hearings
- 19.25.100 Land use issues – Report of developments services division.
- 19.25.110 General criteria for examiner decisions.
- 19.25.120 Examiner actions.
- 19.25.130 Report to and meeting with planning commission and city council.
- 19.25.140 Severability.

19.25.010 Purpose.

The purpose of this chapter is to establish a hearing examiner system to hear and decide applications for land use permits, including but not limited to applications for planned unit developments, special use permits, site specific rezones, large binding site plans, preliminary plats, substantial development permits, appeals of administrative decisions and other matters as specifically assigned by the appropriate ordinances.

19.25.020 Hearing examiner – Office created – Duties.

Pursuant to Chapters 35A.63 and 58.17 RCW, the office of hearing examiner is created. The hearing examiner is to act on behalf of the City Council by considering and applying zoning and regulatory ordinances to the land as provided herein. The hearing examiner shall also exercise administrative powers and such other quasi-judicial powers as may be granted by ordinance and code adoption.

19.25.030 Hearing examiner – Appointment.

The hearing examiner shall be appointed by the City Manager, subject to confirmation by a majority vote of the City Council, to serve for a term of two (2) years. In the event of the absence or the inability of the hearing examiner to act on an application, a hearing examiner pro tem may be appointed by the City Manager.

19.25.040 Hearing examiner – Qualifications.

The hearing examiner shall be appointed solely on the basis of qualifications for the duties of the office with special reference to training, actual experience in, and knowledge of administrative or quasi-judicial hearings on zoning, subdivision and other land use regulatory enactments as may be granted by ordinance or code adoption. Additionally, experience in the fields of urban planning, architecture, transportation, civil engineering, economic development, geology or law would be desirable.

19.25.050 Hearing examiner – Removal.

The hearing examiner may be removed from office at any time for just cause by a majority vote of the whole membership of the City Council.

19.25.060 Hearing examiner – Freedom from improper influence.

No person shall attempt to influence a hearing examiner in any matter pending before him, except publicly at a public hearing duly called for such purpose, nor shall any person attempt to interfere with a hearing examiner in the performance of his duties in any other way.

19.25.070 Hearing examiner – Conflict of interest.

No hearing examiner shall conduct or participate in any hearing, decision or recommendation in which the hearing examiner has a direct or indirect substantial financial or familial interest, or concerning which the hearing examiner has had substantial prehearing contacts with proponents or opponents wherein the issues were discussed; nor, on appeal from or review of an examiner decision, shall any member of the legislative body who has such an interest or has had such contacts participate in the consideration thereof.

19.25.080 Hearing examiner – Prescription of rules for hearings.

The hearing examiner shall prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of his office. Such rules may provide for cross-examination of witnesses.

19.25.090 Public Hearings.

1. All official action of the hearing examiner shall be subject to applicable notices and shall be conducted at a public hearing at an open public meeting, pursuant to the rules and procedures established by the hearing examiner. Any interested person may appear and be heard subject to the rules and procedures adopted by the hearing examiner. The applicant, opponents, and proponents may submit written materials for consideration by the hearing examiner.
2. The hearing examiner may continue a hearing in the event the hearing examiner deems that a continuance is necessary.
3. Public hearings shall be scheduled to occur in the evening, following normal working hours, in order to make the hearings available to the public to attend.

19.25.100 General Criteria for Examiner Decisions.

1. Each decision of the hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision.
2. The hearing examiner's findings and conclusions shall indicate the manner in which the decision is intended to carry out and implement applicable state laws and regulations, as well as the regulations, policies, objectives and goals of the City's comprehensive plan, zoning code, subdivision code, and other laws, policies and objectives of the City.

19.25.110 Examiner Actions.

Within ten (10) working days of the conclusion of a hearing or rehearing, the hearing examiner shall render a written recommendation or decision. A copy thereof shall be transmitted to all persons of record pursuant to RMC 19.20.080. The hearing examiner's decision may be to grant or deny the application or appeal, or the hearing examiner may grant the application or appeal with such conditions, modifications and restrictions as he finds necessary to make the application or appeal compatible with the environment, and carry out applicable state laws and regulations, and the regulations, policies, objectives and goals of the City's comprehensive plan, zoning code, subdivision code, and other ordinances, policies and objectives of the City.

19.25.120 Report to and meeting with planning commission and city council.

The hearing examiner shall report in writing to and meet with the planning commission and city council at least annually for the purpose of reviewing the administration of the City's land use policies and regulatory ordinances, and any amendments to city ordinances or other policies or procedures which would improve the performance of the hearing examiner process. Such report shall include a summary of the hearing examiner's decisions since the last report. Such report shall also include a summary of the expenses incurred by the hearing examiner in the conduct of hearing quasi-judicial applications during the reporting period.

19.25.140 Severability.

The standards, criteria and process of this chapter shall be fully governed by the adopted ordinances that provide the authority to the Hearing Examiner. Any conflict of provisions shall require the stricter provision prevailing.

Section 1.03 Sections 19.70.040 and 19.70.050 of the Richland Municipal Code, as enacted by Ordinance No. 12-96 and last amended by Ordinance No. 29-12, shall be amended to read as follows:

19.70.040 Closed record decisions and appeals – Type II project permit decisions.

Appeals of the hearing body's decision on a Type II project permit application shall be governed by the following:

A. Time to File. An appeal of the Type I or Type II permit decision must be filed within 10 business days following issuance of the written decision. Appeals may be delivered to the development services division by mail, personal delivery, e-mail or by fax before 5:00 p.m. on the last business day of the appeal period.

B. Computation of Time. For the purposes of computing the time for filing an appeal, the day the notice of decision is mailed shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, or a day designated by RCW 1.16.050 or by the city's ordinances as a legal holiday; then it also is excluded and the filing must be completed on the next business day.

C. Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

1. Appellant's name, address and phone number;
2. Appellant's statement describing his or her standing to appeal;
3. Identification of the application which is the subject of the appeal;
4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;

5. The relief sought, including the specific nature and extent;

6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

D. Effect. The timely filing of an appeal shall stay the effective date of the hearing body's decision until such time as the appeal is adjudicated by the council or withdrawn. In the case of an appeal of a Type I permit decision, the timely filing of an appeal shall stay the effective date of the administrative decision until such time as the appeal is adjudicated by ~~the planning commission or board of adjustment~~ [hearing examiner](#) or withdrawn.

E. Notice of Appeal. The director shall provide public notice of the appeal to any party required to receive notice of hearing on the underlying permit as set forth elsewhere in the city's adopted development regulations and to those persons entitled to notice of decision as set forth in RMC 19.60.080(D). [Ord. 12-96; Ord. 29-12 § 1.01].

19.70.050 Procedure for closed record decisions and appeals.

A. The following sections of this title shall apply to a closed record decisions and appeals meeting: RMC 19.60.030; 19.60.040; 19.60.050; 19.60.060; 19.60.070(A), (B), (C), (D), and (F) and 19.60.080.

B. The closed record decisions and appeals meeting shall be on the record before the hearing body. No new evidence shall be presented before the city council in a closed record appeal. Only those persons who participated in the open record hearing before the [hearing examiner](#), planning commission or board of adjustment may address the council in a closed record appeal meeting. Comments made at a closed record appeal meeting must be in the nature of summary argument only, based on and limited to facts in the written and oral record developed during the open record hearing. If any speaker at a closed record appeal meeting presents comments that are not based on facts in the record, anyone present at the meeting may make an objection. If an objection is made, the speaker will stop until the issue of the objection is resolved. [Ord. 12-96; Ord. 7-99; Ord. 29-12 § 1.01].

Section 1.04 This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

PASSED by the City Council of the City of Richland, at a regular meeting on the 2nd day of September 2014.

DAVID W. ROSE
Mayor

ATTEST:

APPROVED AS TO FORM:

MARCIA HOPKINS
City Clerk

HEATHER KINTZLEY
City Attorney

Date Published: September 7, 2014