



MINUTES
RICHLAND PLANNING COMMISSION MEETING No. 3-2014
Richland City Hall – 550 Swift Boulevard – Council Chamber
WEDNESDAY, March 26, 2014
7:00 PM

Call to Order:

Chairman Utz called the meeting to order at 7:00 PM

Attendance:

Present: Commissioners Berkowitz, Boring, Clark, Jones, Madsen, Wallner, Wise, Vice-Chair Moser and Chairman Utz. Also present were City Council Liaison Phil Lemley, Development Services Manager Rick Simon and Recorder Penny Howard.

Approval of Agenda:

Chairman Utz presented the March 26, 2014 meeting agenda for approval.

The agenda was approved as written.

Approval of Minutes

Chairman Utz presented the meeting minutes of the February 26, 2014 regular meeting for approval.

A motion was made by Commissioner Berkowitz and seconded by Commissioner Moser to approve the meeting minutes of the February 26, 2014 regular meeting as amended.

The motion carried, 9-0.

Public Comment

Chairman Utz asked for public comment on any item not on the agenda.

Joel Hopkins 2840 Jacob Court, Kennewick: Mr. Hopkins passed out letters to the Commissioners. "This is in regards to the sewer line that is being proposed to run down Reata Canyon. I'm the co-chair of Save Reata Canyon, so I got elected to do this. This (referring to letter) is from one of our members, but I think it does a good job of hitting all the important points. So, two minutes. This was never proposed when; this plan to run

the sewer line down Reata Canyon was never proposed during the original plan. This Badger Mountain South, the members of the county that lived there weren't given proper representation to speak our mind on the subject. When the notice did go out, it went out to several of the landowners only. Because this property is part of a homeowners association, it affects everybody in the area. So, even though what they were trying to do was run the sewer line through a access through the homeowners land, it actually impacts everybody in the community. So, that's one of the major parts to this; is that everybody in the community needs to have a chance to have a say in what's going to happen here. I can't speak for everyone in our area, but I can speak for everyone that I've talked to and there's no plus to running the sewer line down this canyon. It was never part of the original plan and we're opposed to it. And we hope that you guys can look at this and make a determination and try to steer the City Commission from running the sewer line down the canyon to start with."

Commissioner Moser asked if the City had been contacted and if there was an alternative route for the sewer line. **Mr. Hopkins** stated that there was a meeting held at Cottonwood Elementary School. Many emails had been sent to the City and although several other options were given, this route was never part of the original plan.

Commissioner Wise asked about the meeting and any resolutions. **Mr. Hopkins** informed all of a FAQ sheet available on the City of Richland website. No decision had been made to date, however, the proposed location of the sewer line was shown in Reata Canyon on the map provided by the City.

Commissioner Berkowitz asked if the answers provided during the meeting were satisfactory and if he has spoken to the developer directly. **Mr. Hopkins** stated that while their questions were answered, those answers created additional concern. **Commissioner Berkowitz** asked staff about the original plan for the sewer line. **Mr. Simon** explained that the plan prepared in the mid 2000's included several routes and that Public Works headed up the evaluation effort which would go before the City Council in the future. Residents should have an opportunity to address the issue at that time.

Commissioner Berkowitz supported with Mr. Hopkins' position and believed it to be a conflict with the sustainability of the Badger Mountain South community.

Loren Combs, Badger Mountain South developer, agreed with the residents that there was a better route for the sewer line. He stated that the Public Works Director was doing his due diligence in reviewing all of the available options, then would advise the City accordingly.

PUBLIC HEARING

Public Hearing Explanation: **Ms. Howard** explained the public hearing notice and appeal process and asked Commissioners to identify any conflicts of interest, ex-parte contact or any other appearance of fairness issues.

Unfinished Business

1. APPLICANT: VSI DEVELOPMENT LLC (Z2014-100) TEXT AMENDMENTS TO THE LAND USE & DEVELOPMENT REGULATIONS FOR THE BADGER MOUNTAIN SOUTH MASTER PLANNED COMMUNITY, GENERALLY LOCATED SOUTH OF BADGER MOUNTAIN, EAST OF DALLAS ROAD AND NORTH OF REATA ROAD

Mr. Simon presented the staff report for two amendments to the Land Use and Development Regulations for the Badger Mountain South Community. The first amendment would eliminate the 40% maximum garage requirement on the front building façade because it would limit many lots to a single car garage. The second amendment would provide for enclosed courtyards in the front yard area of duplex housing due to the narrow frontage and limited outdoor space.

Chairman Utz opened the Public Hearing at 7:27 PM.

Loren Combs, VSI Development LLC, 3600 Port of Tacoma Road: “We fully concur on the staff report. They did a much better job of drafting it up than I did my proposal. I want to point out one change for you on page one of the proposed LUDR text amendments where we’re talking about this limited opportunity for a three car garage. If you read, it’s in LUDR Section 8.0, subsection 6.c. It currently says, for the change ‘when otherwise permitted, attached garages with a front driveway condition may have three bays when one of the bays is recessed from the front façade at least 8 ft. and when a Porch Frontage Type is used with a porch at least 80 sq. ft. in size’. There’s an error there and I can show you what is on this drawing (referring to projected images). This is that large porch that we’re talking about here. That becomes the front façade of the building, because; so this then, the double car garage has to be set back at least four feet from that line. So, you’re measuring from here. It goes back four feet. This third bay has to be eight more feet behind this line. So, if you read this the way it’s written, this third bay only has to be eight feet from here and the measurement is supposed to be from this corner. So what we’re proposing, if you look at that add on language it should say driveway condition may have three bays when one of the bays is recessed from the double garage façade, not from the front façade. So, it has to be pushed back even further. So, we are suggesting that language change. I did discuss it with Rick and point it out to him and the City, of course, is good with that because it even further deemphasizes that third car garage.

The other thing that we are asking, that’s not in here and it’s breaking news as of today, is – as you may recall, when this property was originally being considered to become part of the City’s Urban Growth Area, the county had a requirement that any swimming pool, or habitable structure be at least 170 feet from the orchard. The City agreed to that and it was adopted into the City regulations when we annexed. And that actually appeared in the LUDR on page 3-7. That, on those big lots across the top, any pool or habitable structure has to be 170 feet. Well, the County has now changed their regulation and their standard is 150 feet in the County code. I met with the Planning

Director, Mike Shuttleworth, today, and brought that to his attention and we have a real life example now, where somebody wants to put their swimming pool between 150 and 170 feet. So, it's not academic and it just turned out that the County already changed their standard to 150 feet. We would like to have that standard then, adjusted, because it's the County that imposed it on the City to begin with and we just discovered it's in the LUDR. And I just happened to be coming here tonight to talk to you about the LUDR, so we would like your blessing to go to the City Council with this to move that standard back to 150 feet. It's still a huge setback, but they've now done further analysis and amended their own code to set it at 150 feet. Mike Shuttleworth, on the part of the County; he was here by the way, all through this whole process from day one; said the County had no issue with it since their own standard is 150 feet now. So, that's the other item I wanted to bring up.

And then, if I'm not out of time, one third thing: I know the City's considering going to a hearings examiner and from a liability standpoint, a lot of the cities are doing that. We're going to be sending a letter to the Council requesting that the Planning Commission keep jurisdiction over Badger Mountain South, because, this is more complicated and we have always sought your input. And, when we come before you with changes, before we even introduce them we roll them past you to get your thoughts so we can modify them before we actually submit an application. We don't want that process to change. It's the Council's decision on that, but I just wanted you to know what our position is and we will be requesting the Council and we will also be testifying when that ordinance comes forward on that request. So, if that's something that's consistent with what you would want... If you don't want that, then that's okay, I won't ask for it. But, if that's something that this Commission would want, we would support and go forward asking the Council to modify whatever ordinance they come forward with to allow us to continue to come before you, since this has been an iterative process."

Chairman Utz closed the Public Hearing at 7:33 PM.

Discussion:

Commissioner Wise discussed individual garage door facade setbacks. **Mr. Combs** agreed that stair-stepping them back would be consistent with their vision and even further deemphasize the garage, but deferred to staff for their interpretation. **Chairman Utz** suggested modifying the verbiage to suggest stepping each garage back in succession. **Mr. Combs** stated they would work with staff to review and modify verbiage to include the suggestion.

Commissioner Berkowitz inquired about privacy courtyards on a corner lot. **Mr. Combs** informed the group that the ten foot setback would apply to both faces on a corner lot and different regulations applied due to traffic safety so vision would not be impaired.

Commissioner Berkowitz inquired about three car garages in regards to sustainability. **Mr. Combs** stated their preference for an alley load to avoid garage frontages, curb cuts and improve sidewalk safety. His experience had been that a third car garage would not add much driveway traffic because the majority of homeowners use their additional garage space as storage or shops. So, he doesn't consider it a sustainability issue.

A motion was made by Commissioner Madsen and seconded by Commissioner Boring to concur with the findings and conclusions set forth in Supplemental Staff Report Z2014-100 with modifications as reflected in the testimony and recommend to the City Council adoption of the proposed amendments to the Badger Mountain South Land Use & Development Regulations.

Vice-Chair Moser asked if staff concurred with the proposed change to pool setbacks. **Mr. Simon** confirmed their agreement.

MOTION CARRIED 9-0.

New Business

- 1. APPLICANT: EMERALD OF SIAM RESTAURANT (SUL2014-001)
APPROVAL OF A SIDEWALK USE LICENSE TO AUTHORIZE THE OPERATION OF
A SIDEWALK CAFÉ AT 1314 JADWIN AVENUE**

Mr. Simon reviewed the staff report, with images on the overhead, for the requested outdoor seating area in front of 1314 Jadwin Avenue. The proposal calls for a 42" high railing around an area approximately 12 feet wide and 26 feet long. In 2009, the City adopted Sidewalk Use Licenses to encourage the use of outdoor seating areas for which the Applicant must provide insurance. The proposed 42" railing satisfies the Washington State Liquor Control requirement.

Chairman Utz opened the Public Hearing at 7:40 PM.

William Quinn, 1412 Putnam Street: "I think that it's a great idea to have a sidewalk café, especially for our business right now. We've actually been in business for thirty years. And recently, my sister and I took over business and we've torn down walls inside. And, we've added in a bar and we're having live music come from all over the Northwest to come play at this venue and we're very quickly getting known as the premiere place to go watch live music here in Tri-Cities. And, we're kind of trying to expand a little bit and this is about one of the only ways we can do it and it takes care of many problems for the business. One of which can affect other businesses around us, it's litter. People smoke cigarettes. They're gonna smoke cigarettes whether or not we have a café area in the evening. So, this is what I believe is a good solution for that, because it contains the smokers to a certain portion of the sidewalk and now we have these buckets here. When they're out by the driveway, the bums come by, they pick

through 'em, they throw or the wind might just throw the tops off. But, pretty much, most days I pull in to work or pull away from work, I've seen somebody fish through there. And, I believe that if they're contained within our own area, it's gonna cut down on external traffic. We're gonna give our customers a place to dispose of their outdoor trash, essentially, and keep them out from in front of Benjamin's and Kelly's and wandering up and down at our place to see a show.

During the day, we'd love to offer an opportunity to eat a meal in the sun. We get very little rain here in the Tri-Cities. Obviously, it's great to have a picnic, sit out and enjoy the day. And, it will also allow our customers to get a little bit away from the music, cause we also offer dinner music now, Wednesday through Saturday. So, it'd offer our customers that want to have a more quiet conversation the opportunity to have a different place to sit. I basically think that there's like no downfall to this idea.

Also, we are fortunate enough that the sidewalk moves away from the front of our building right where we propose to put in the café, which offers plenty of walking space. And, there's a little water access that we tried to plan for the drawing to go around it and plenty of room for someone to come through and check that. We're not trying to take up any space that the people need. And, I think it beautifies the front of the building to see people sitting outside or to see furniture available for that. Right now, we have to block out most of the sun with these window coverings, so it makes it harder to see into the building. You don't get really an idea of what we have to offer, but at least it would draw the eye enough, the people would know. You know, to draw more business in. That's kind of what we're doing. We're trying to expand our business and this is part of it."

Chairman Utz closed the Public Hearing at 7:53 PM.

Discussion:

Commissioners Clark and Wise inquired about access to the outdoor area. **Mr. Quinn** pointed out the location of a proposed opening in the railing on the overhead display and an additional railing outside of their doorway to further assist them in taking care of the area. He informed all that an exit corridor out of the back of the building was nearly complete as well, but opening up an additional door was not a possibility at this time.

Commissioners Wise and Moser congratulated Mr. Quinn on the plan to expand their restaurant.

Vice-Chair Moser asked staff to confirm a single access door used for the Frost Me Sweet sidewalk café. **Mr. Simon** confirmed that a single door access was in use.

Commissioner Berkowitz offered her support, asked if the music would be piped outside and for their hours of operation. **Mr. Quinn** stated that there were no plans to pipe music outside, but they had considered the possibility of acoustic music in the outdoor area. Their regular hours included lunch service from 11:30AM - 2PM with

regular dinner hours Tuesday through Saturday from 5PM – 8:30 PM and a late dinner menu served until approximately 2AM.

Commissioner Berkowitz inquired about smoking and shade in front of their business. **Mr. Quinn** informed that the proposal should allow enough room within the outdoor café for smokers with trash receptacles outside of their dining hours. They planned to deter smoking during the dining hours. **Mr. Simon** reminded the group that the Benton-Franklin Health Department regulated smoking related issues. **Mr. Quinn** proposed umbrellas in the café area for shade.

Chairman Utz appreciated Mr. Quinn's efforts to contain the smoking areas and to add activity to the Uptown Shopping Center.

A motion was made by Commissioner Boring and seconded by Vice-Chair Moser to concur with the findings and conclusions set forth in Staff Report SUL2014-001 and approve the request for the sidewalk use license to operate a sidewalk café subject to the conditions set forth in Exhibit 2 of the Staff Report.

Discussion on the Motion:

Commissioner Wallner requested clarification of the railing location. **Mr. Simon** confirmed that the application included a proposal for the railing on the outside of the restaurant doorway, but it was not depicted on the map.

THE MOTION CARRIED 9-0.

Communications:

Mr. Simon

- Provided a copy of the letter from Kennewick Irrigation District from the February 26 meeting.
- Provided a copy of correspondence from the Department of Ecology stating that the Amon Basin falls under the City's Critical Areas ordinance, not under the shoreline jurisdiction. They also recommended long term monitoring of flows for future determinations.

Commissioner Wise

- Attended the Tuesday morning meeting of the Mid-Columbia Energy Initiative. A consulting firm found that one of the biggest impediments to economic development in the Tri-Cities was the lack of a sustainability plan. The organization formed a task force to explore such a plan.

Commissioner Berkowitz

- Requested a status on the hearings examiner.

Mr. Lemley

- Reported no decision on the hearings examiner.

Commissioner Clark

- Reported an Environmental Protection Agency proposal changing the definition of waters of the United States as a result of a Supreme Court ruling. It may affect the jurisdiction of creeks and streams.

Commissioner Jones

- Requested an update to the Commission roster phone numbers.
- Attended the Economic Development Committee meeting Monday discussing funding assistance to modify the façade of Malley's. Also, informed that the committee plans to recommend an eighty room, winery themed hotel for Columbia Point named The Escape Lodging.

Commissioners Madsen, Vice-Chair Moser and Chairman Utz

- Appreciated Mr. Combs' confidence and comments in favor of the Planning Commission versus a hearings examiner to provide a better overall result for our community with valuable input from Richland citizens.

ADJOURNMENT:

The March 26, 2014 Richland Planning Commission Regular Meeting 3-2014 was adjourned at 8:15 PM. The next regular meeting of the Planning Commission will be held on April 23, 2014.

PREPARED BY: Penny Howard, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Planning Commission