



Agenda
Planning Commission Workshop
Wednesday, September 11, 2019
City Hall Council Chambers | 625 Swift Boulevard

Commission Members: Chair Palmer, Vice-Chair Boring, and Commissioners Eadie, Keuhlen, Maier, Mealer, and Townsend

Liaisons: Council Liaison Alvarez and Alternate Council Liaison Lemley
Staff Liaison: Planning Manager Stevens

Regular Workshop - 6:00 p.m.

Call to Order / Attendance:

Agenda Items:

1. Proposed Code Amendments to RMC Title 19, 23, 24 Regarding Hearing Examiner and Council
 - Mike Stevens, Planning Manager
2. Proposed Code Amendments to RMC Title 24 - Short Plats
 - Mike Stevens, Planning Manager

Adjournment

The next Planning Commission Workshop is October 9, 2019

The next Planning Commission Meeting is September 25, 2019

Richland City Hall is ADA accessible. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 942-7388.



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 9/11/2019

Agenda Category: Agenda Items

Prepared By: Mike Stevens, Planning Manager

Subject:

Proposed Code Amendments to RMC Title 19, 23, 24 Regarding Hearing Examiner and Council

Request:

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Recommended Motion:

Summary:

City Council has directed staff to amend the Municipal Code in order to remove them from quasi-judicial permit decisions (appeals). The proposed code amendments are intended to streamline the permit decision process and limit liability.

Attachments:

1. RMC Title 19, 23, 24 Draft

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~~, or Type IIIA. 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;
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. Minor new substantial development permits that meet any of the following criteria:
 - a. Single-family residences not constructed by an owner, lessee, or contract purchaser for their own use;
 - b. Single-family nonexempt docks; and
 - c. New developments on a site of one acre or less and with a cost of less than \$500,000;
10. Accessory dwelling units;
11. Extension of preliminary plat approvals.

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

1. Shoreline substantial development permits not classified as Type I 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. Joint use parking reductions;
8. Special sign permits;
9. 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;~~
5. Plat alterations or vacations.

Commented [KWH1]: I don't think development agreements belong here. They really aren't a permit application type at all.

D. Type IIIA permits include site-specific rezones.

E. 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; Ord. 19-14 § 1.01; Ord. 36-15 § 1; Ord. 02-18 § 1; Ord. 02-18A § 1].

19.20.030 Project permit application framework.

	PROJECT PERMIT APPLICATION TYPE AND PROCEDURE				
	Type I	Type II	Type III	<u>Type IIIA</u>	Type IV
Recommendation Made By:	N/A	N/A	N/A <u>Hearing Examiner</u>	<u>Hearing Examiner</u>	Planning Commission
Permit Decision Made By:	Director	Board of Adjustment or Planning Commission or Hearing Examiner ¹	<u>Hearing Examiner</u> City Council	<u>City Council</u>	City Council
Notice of Application:	No	Yes	Yes	<u>Yes</u>	No
Notice of Decision:	Yes	Yes	Yes	<u>Yes</u>	No
Notice of Hearing:	No	Yes	Yes	<u>Yes</u>	Yes
Open Record Public Hearing:	No	Yes, before Board of Adjustment or Planning Commission or Hearing Examiner ¹	Yes, before Hearing Examiner	<u>The Hearing Examiner will conduct an open record predecision public hearing</u>	Yes, before both Planning Commission and City Council
Open Record Appeal Hearing:	Yes, before Hearing Examiner	No	No	<u>No</u>	N/A
Closed Record Appeal Hearing:	No	No <u>Yes, before City Council</u>	No <u>Yes, before City Council</u>	<u>City Council will conduct a closed record decision hearing</u>	N/A
Judicial Appeal:	Yes	Yes	Yes	<u>Yes</u>	Yes

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

[Ord. 12-96; Ord. 29-12 § 1.01; Ord. 19-14 § 1.01].

19.70.040 Closed record decisions and appeals – Type ~~III~~ project permit decisions.

Appeals of the ~~director's 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, t~~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 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; Ord. 19-14 § 1.03].

19.70.050 Procedure for closed record decisions ~~and appeals.~~

A. The following sections of this title shall apply to a closed record ~~decisions-proceedingand 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-proceedingmeeting~~ shall be on the record before the hearing body. No new evidence shall be presented before the city council in a closed record ~~proceedingappeal~~. 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 ~~proceedingappeal meeting~~. Comments made at a closed record ~~proceedingappeal 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 ~~proceedingappeal 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; Ord. 19-14 § 1.03].

19.70.060 Judicial appeals.

Except in the event of legal authority providing for a different appeal process, the city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Benton County superior court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW. [Ord. 12-96; Ord. 29-12 § 1.01].

23.70.210 Public hearing and recommendation to council.

A. Reclassification. The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type III ~~A~~ permit application. The recommendation shall include written findings of fact and the reasons for the hearing examiner's action; and shall refer expressly to the maps, description and other matters intended by the hearing examiner to constitute the reclassification.

B. Amendment. The planning commission shall conduct an open record public hearing as required by RMC Title 19 for a Type IV permit application. The recommendation to the city council of any amendment hereto by the planning commission shall be by the affirmative vote of not less than a majority of the total members of the commission. The recommendation shall be by a recorded motion, which shall include written findings of fact of the commission and the reasons for its action; and the motion shall refer expressly to the specific language of the proposed amendment and any other graphics or materials intended by the commission to constitute the amendment. The secretary of the planning commission shall prepare and sign an action summary of the commission's recommendation, which shall be forwarded to the city clerk for scheduling for city council consideration. [Ord. 28-05 § 1.02; Ord. 24-14 § 1.01].

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23.70.230 Consideration and action by council.

The planning commission's or hearing examiner's recommendation on any reclassification or amendment, together with other reports, maps, documentation and recommendations, shall be considered by the city council in accordance with the provisions and requirements of RMC Title 19 (Development Regulation and Administration).

The council may, by ordinance, adopt or adopt with modification, any reclassification or amendment which the planning commission or hearing examiner has made a recommendation on; or by motion reject the reclassification or amendment.

The council may refer any request for reclassification or amendment back to the planning commission or hearing examiner for further review and recommendation. ~~In such case, no further public hearing before the planning commission shall be required.~~ [Ord. 28-05 § 1.02].

24.12.050 Preliminary plat – Public hearing, hearing examiner ~~decision~~ consideration and recommendation to city council.

A. The hearing examiner shall consider any preliminary plat application and shall conduct an open record public hearing in accordance with Chapter 19.60 RMC. After public hearing and review the hearing examiner shall ~~decide~~ determine whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements ~~and shall either make a recommendation for approval or disapproval to the city council.~~

A decision of ~~Recommendation for~~ approval of the preliminary plat shall not be given by the hearing examiner without the prior review and approval of the city manager or his designee with respect to the engineering elements of said plat including the following:

1. Adequacy of proposed street, alley, right-of-way, easement, lighting, fire protection, drainage, and utility provisions;
2. Adequacy and accuracy of land survey data;
3. The submittal by the applicant of a plan for the construction of a system of street lights within the area proposed for platting, including a timetable for installation; provided, that in no event shall such a plan be approved that provides for the dedication of such a system of lighting to the city later than the occupancy of any of the dwellings within the subdivision.

B. The hearing examiner ~~decision recommendation~~ shall be final, subject to judicial appeal as provided for in RMC 19.70.060 ~~forwarded to the city clerk for scheduling for city council consideration~~. [Ord. 73 § 3.05; Ord. 715 § 1.03; Ord. 54-75 § 1.04; Ord. 53-94; Ord. 13-96; Ord. 27-14 § 1.01; Ord. 01-18 § 1].

24.12.053 Preliminary plat – Required findings.

The hearing examiner shall not ~~approve recommend approval of~~ any preliminary plat application, unless the approval is accompanied by written findings that:

A. The preliminary plat conforms to the requirements of this title;

B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

C. The public use and interest will be served by the platting of such subdivision and dedication; and

D. The application is consistent with the requirements of RMC 19.60.095. [Ord. 03-00; Ord. 27-14 § 1.01; Ord. 01-18 § 1].

24.12.055 Preliminary plat – Hearing Examiner ~~City council~~ consideration and action.

A. ~~The city council shall consider the recommendation of the hearing examiner together with other recommendations, maps and documents and matters of record and render a decision on the preliminary plat consistent with the requirements of RMC Title 19 for Type III permit application.~~

~~B.~~ The application for preliminary plat approval shall be approved, disapproved or returned to the applicant for modification or correction within 90 days of the date of acceptance.

~~B.C.~~ Hearing Examiner ~~City council~~ approval of a preliminary plat shall not guarantee final approval of the plat or subdivision and shall not constitute an acceptance of the subdivision, but shall authorize the subdivider to proceed with the preparation of the final plat along the lines indicated in the preliminary plat.

~~C.D.~~ Approval of the preliminary plat shall be operative for five years from the date of approval by the hearing examiner ~~city council~~ during which time a final plat or plats may be submitted.

~~D.E.~~ The subdivision administrator may extend the approval period or may require that the preliminary plat must be resubmitted after the expiration of the approval period. [Ord. 13-96; Ord. 23-03; Ord. 27-14 § 1.01; Ord. 01-18 § 1].

24.14.080 Requirements for design and bonding of improvements.

Prior to affixing of a signature of approval on the binding site plan by the administrator, the applicant shall upon the decision of the city engineer either have included specific conditions on the face of the binding site plan with regard to the timing of bonding or construction of public infrastructure improvements within the proposed rights-of-way or easement areas or have prepared and submitted to the city engineer, and the city engineer shall have approved detailed engineering and design plans for any required streets, utility systems, storm drainage systems, and street lighting systems, or other required improvements, in accordance with the applicable specifications and standards of the city and other involved utility agencies. Irrigation system designs, site grading, and other such designs or plans that may be required by law or that were specifically required as conditions of binding site plan approval shall be submitted concurrently for the city engineer's review and approval. Furthermore, bonding or other legally sufficient assurance of installation of required improvements shall be provided as required in Chapter 24.12 RMC, subdivision procedures. Following the affixing of all required signatures, the binding site plan shall be filed for record in the office of the Benton County auditor.

When binding site plans are approved in areas where a master plan including preliminary engineering has been reviewed and approved by all departments and the city council, the administrator shall allow recording of the binding site plan, provided specific conditions have been included on the face of the binding site plan noting that the master plan shall be the basis for controlling the location and size of all utilities and roads and that a building permit shall not be issued for site development until all detailed engineering plans are submitted and approved by the city and are either constructed or bonded or otherwise conditioned. [Ord. 47-94].

Commented [KWH2]: I don't know what a "master plan" means in this context. If it is just another way of saying binding site plan, then this reference to CC may not make sense. But if it refers to some kind of area-wide master planning process, then it probably is fine.



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 9/11/2019

Agenda Category: Agenda Items

Prepared By: Mike Stevens, Planning Manager

Subject:

Proposed Code Amendments to RMC Title 24 - Short Plats

Request:

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Recommended Motion:

Summary:

The proposed amendment would increase the number of lots created via short-plat from four (4) to nine (9) as is allowed by state law. The amendment would also remove the prohibition from dedicating road rights-of-way during the short-plat approval process.

Attachments:

1. Short plat amendment

24.13.010 Permission and procedure to plat.

When an owner or subdivider desires to subdivide a parcel of land so as to produce not more than a total of ~~four~~ **nine** lots, none of which has been subdivided by short subdivision within a period of five years, ~~and with no dedication of any part thereof as a public street or highway,~~ it may be done in the following manner.