

**CITY OF WEST RICHLAND
ORDINANCE NO. 3-20**

**AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON,
ADOPTING THE 2019 COMPREHENSIVE PLAN MAP AMENDMENTS
(EMERGENCY DOCKET) INTO THE EXISTING 2017 COMPREHENSIVE
PLAN AND ADOPTING THE RESULTING DOCUMENT BY ORDINANCE**

WHEREAS, RCW 36.70A, also known as the "Growth Management Act," requires that cities subject to the Act adopt comprehensive plans and implementing development regulations that shall be consistent to the Act and subject to continuing evaluation and review; and

WHEREAS, the Growth Management Act directs that comprehensive plan amendments shall be considered as a comprehensive whole and evaluated for the cumulative effects, and the Plans shall not be amended more than once a year with certain exceptions; and

WHEREAS, on August 8, 2017, the City Council adopted Ordinance 14-17 to adopt the 2017 Periodic Update version of the Comprehensive Plan; and

WHEREAS, on September 3, 2019, the City Council adopted Ordinance 23-19 to amend the Comprehensive Plan Land Use map; and

WHEREAS, although Comprehensive Plan amendments may not typically be considered more frequently than once every year, amendments may be considered more often under specific circumstances in accordance with WAC 365-196-640; and

WHEREAS, due to the timing of the *State of Wash. Court of Appeals Div. III No. 35825-9-III and 36012-1-III Coyne v. Grigg Family, LLC* filed opinion, the City Council determined it was prudent to consider a second amendment in 2019 to the comprehensive plan, to resolve inconsistencies between the Court's findings and the City's adopted Land Use Map in an expedient fashion; and

WHEREAS, the court has determined that a recorded covenant holds, and thus properties described below may not be developed with commercial buildings; therefore, the current "High Intensity Commercial" land use designation (originally designated in 2013 via Ord 25-13) is incongruent with the covenants;

WHEREAS, on October 15, 2019, the City Council set the 2019 Emergency Docket for Comprehensive Plan Amendments following a duly noticed public hearing; and

WHEREAS, on October 29, 2019 the City's Community Development Department issued a State Environmental Policy Act (SEPA) threshold determination of DNS (Determination of Non-significance) and there were **no appeals** of the determination; and

WHEREAS, on October 24, 2019 the City of West Richland delivered to the Washington State Department of Commerce a Notice of Intent to adopt amendments pursuant to RCW

36.70A.106, to satisfy the requirement under the Growth Management Act that the state receive proposed amendment of at least 60 days prior to the anticipated adoption date; and

WHEREAS, on October 24, 2019 the Washington State Department of Commerce acknowledged the submission and assigned Submittal ID 2019-S-835 and indicated that the 60-day notice (review) period would conclude December 23, 2019; and

WHEREAS, the Planning Commission reviewed the proposed amendments in a duly noticed public hearing on November 14, 2019 and provided an opportunity to accept all testimony from anyone wishing to speak for or against changes, and deliberated on the proposed changes, and the Planning Commission voted to accept the staff's recommended findings, conclusions and recommendations on the proposed amendment; and

WHEREAS, on November 14, 2019, the West Richland Planning Commission issued a recommendation of approval of the comprehensive plan amendment proposals and associated rezones based on the written findings contained in the staff report; and

WHEREAS, the City Council reviewed the proposed amendments and associated rezones and the recommendation of the Planning Commission in a duly noticed public hearing on January 7, 2020; and

WHEREAS, the public review process for the 2019 Comprehensive Plan amendments was established and conducted in accordance with RCW 36.70A.035 and West Richland Municipal Code Chapters 14.09 and 18.04, which included mailing notices of the review process, public hearings, opportunity to comment and accompanying SEPA review to federal, state and local agency contacts, as well as distributing notice on the City website; and

WHEREAS, all parties wishing to comment on the proposed amendments and associated rezones were given an opportunity to do so; and

WHEREAS, the City Council finds and declares that the Comprehensive Plan Update amendments have been reviewed and authorized in conformance with applicable law, including Chapter 36.70A RCW (Growth Management Act) and Chapter 43.21C RCW (SEPA) and applicable sections of the West Richland Municipal Code; and

WHEREAS, the City Council finds it prudent and in the public interest to adopt the 2019 emergency amendments to the 2017 Comprehensive Plan, as amended, by ordinance; and

WHEREAS, the proposed amendments are consistent with the goals, policies, and objectives of the Comprehensive Plan; and

WHEREAS, the City Council finds that the comprehensive plan amendment proposals maintain the unique character of the City and maintain or improve the character and livability of established neighborhoods;

NOW THEREFORE, the City Council of the City of West Richland, Washington, does hereby ordain as follows:

Section 1: Adoption. The 2017 West Richland Comprehensive Plan, together with the 2019 amendments per Ord 19-23, is hereby further modified by the 2019 emergency docket map amendments as follows, and is shown in the attached **Exhibit A**:

Assessor's parcel 105982060000029, Canal Heights Lot 29 (less road ROW), in a portion of Section 5, Township 9 N, Range 28 E, W.M., City of West Richland, Benton County, Washington is hereby changed to the Land Use designation of LD-RES (Low Density Residential);

Assessor's parcel 105982060000001, Canal Heights Lot 1, in a portion of Section 5, Township 9 N, Range 28 E, W.M., City of West Richland, Benton County, Washington is hereby changed to the Land Use designation of LD-RES (Low Density Residential);

Assessor's Parcel 105982060000028, Canal Heights Lot 28, in a portion of Section 5, Township 9 N, Range 28 E, W.M., City of West Richland, Benton County, Washington is hereby changed to LD-RES (Low Density Residential);

Furthermore, the Council hereby adopts the findings of fact as attached in **Exhibit B**.

Section 2. Severability / Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in force five (5) days after passage and publication of a summary thereof consisting of the title.

Section 4. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON,
this 7th day of **January, 2020**.


Brent Gerry, Mayor

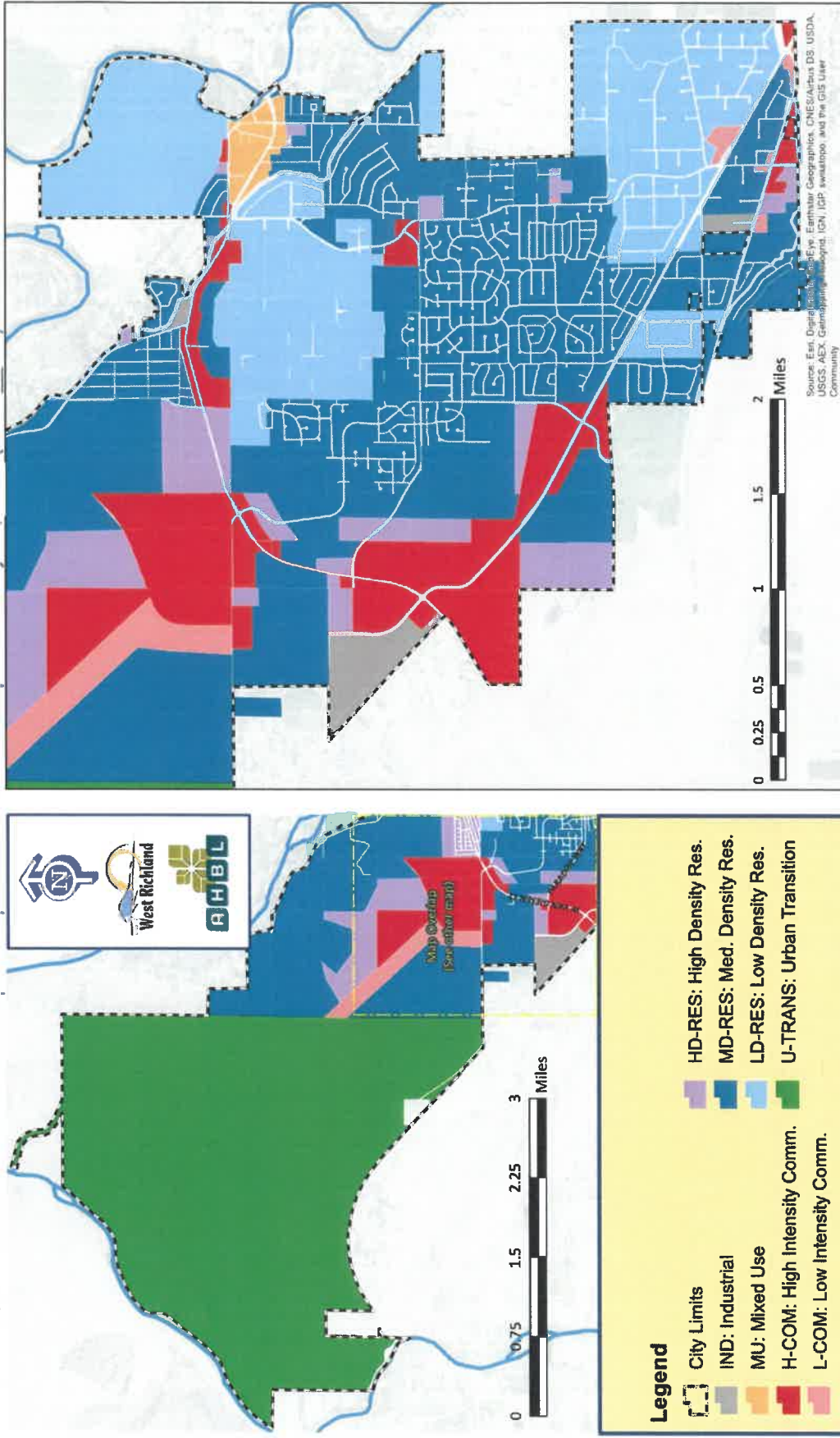
ATTEST:


Julie Richardson, City Clerk

APPROVED AS TO FORM:


Bronson Brown, City Attorney

Exhibit A: City of West Richland Land Use Map (Comprehensive Plan) Ordinance 3-20



Ordinance 3-20 - Exhibit B

FINDINGS OF FACT

1. The Growth Management Act allows annual amendments to comprehensive plans, and emergency dockets in accordance with WAC 365-196-640(3)(vii).
2. Staff forwarded a request to Council to approve an emergency comprehensive plan amendment docket, which was approved following a duly advertised public hearing on October 15, 2019. At the meeting the council forwarded the docket to the Planning Commission for processing, along with the consideration of an area-wide rezone.
3. On October 24, 2019, staff sent a 60-day Notice of Intent to Adopt Amendment to the Washington State Department of Commerce as required by RCW 36.70A.106.
4. On October 24, 2019, The Washington State Department of Commerce acknowledged receipt of the Notice of Intent to Adopt Amendment with the 60-day notice period ending on December 23, 2019.
5. On October 29, 2019, the City issued a SEPA Threshold Determination of Non-Significance (DNS).
6. October 29, 2019 – Planning staff mailed the Public Notice for the Planning Commission’s public hearing and SEPA notice to property owners within 600 feet of the subject sites and posted the Public Notice to the City website
7. The Planning Commission has jurisdiction to hold an open record public hearing and issue a recommendation on the proposed comprehensive plan amendment to the City Council.
8. The Planning Commission recommended approval of the proposed amendments.
9. The proposed comprehensive plan amendments are consistent with the goals and policies of the City’s Comprehensive Plan.
10. The Planning Commission has jurisdiction to hold an open record public hearing and issue a recommendation on the proposed rezones to the City Council.
11. The proposed rezones are consistent with the goals and policies of the City’s Comprehensive Plan.
12. The amendments have been analyzed per WRMC 14.09.120 and 14.09.160:
 - A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan;
Since the last docketing, and subsequent adoption of amendments to the city’s comprehensive plan in 2019 (Ord 23-19, dated September 9, 2019), courts have determined that a restrictive covenant recorded against the subject properties many decades ago hold.
 - B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments;
Since the last docketing, and subsequent adoption of amendments to the city’s comprehensive plan in 2019 (Ord 23-19, dated September 9, 2019), courts have determined that a restrictive covenant recorded against the subject properties many decades ago hold.
 - C. The proposed amendment will not adversely impact the city’s ability to provide sewer and water, and will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services;
The proposed amendment will not adversely affect the City’s ability to provide adopted levels of service standards for facilities and services.
 - D. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

- a) The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or
 - b) The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or
 - c) Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment; or
 - d) Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or
 - e) Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met;
- Adequate infrastructure, facilities, and services are available to serve the proposed or potential development expected as a result of this amendment.**

E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan;
The proposed map amendment would not be in conflict with any of the goals, policies, or objectives of the City's adopted comprehensive plan.

F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;
The proposed map amendment will not result in significant adverse impacts to the transportation network, capital facilities, utilities, parks, or environmental features. The parcel is not in the shoreline jurisdiction.

G. In the case of an amendment to the comprehensive plan land use map, that the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses and the zoning district locational criteria contained within the comprehensive plan and zoning code;
The site is physically suitable for the land use allowed by the LD-RES comprehensive plan designation and the proposed RL-40 zoning district, and the change is compatible with existing surrounding land uses.

H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general;
The proposed amendment will not likely create a demand to change other land use designations of adjacent or surrounding properties.

I. The proposed amendment is consistent with the Growth Management Act, the county-wide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws;
The proposed amendment is consistent with the Growth Management Act, Benton County county-wide planning policies, and other applicable interjurisdictional policies and agreements, and other state or local laws.

J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area.

The proposed amendment will not likely have a cumulative adverse effect on the planning area.