

**CITY OF WEST RICHLAND
ORDINANCE NO. 14-20**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, RELATING TO THE ADOPTION OF FINDINGS AND CONCLUSIONS TO SUPPORT AN EMERGENCY INTERIM DEVELOPMENT REGULATION (AS ADOPTED IN ORDINANCE NO. 12-20), PROHIBITING THE ACCEPTANCE OF APPLICATIONS FOR MINISTORAGE IN THE COMMERCIAL LIMITED, THE COMMERCIAL GENERAL, THE DOWNTOWN MIXED USE, AND THE LIGHT INDUSTRIAL ZONES WITHIN THE CITY, AND CONFIRMING THE MAINTENANCE OF THE INTERIM DEVELOPMENT REGULATION FOR SIX MONTHS AFTER INITIAL IMPOSITION AS THE EFFECTIVE PERIOD

WHEREAS, the City Council of the City of West Richland may adopt an immediate interim development regulation ("IDR") for a period of up to six months on the acceptance of certain development permit applications, as long as the City Council holds a public hearing on the proposed interim development regulation within sixty (60) days after adoption, pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the City of West Richland received multiple telephonic and verbal inquiries regarding the location of ministorage in the city; and

WHEREAS, the inquiries raised significant concerns by Council members and regarding the fiscal impacts associated with ministorage uses; and

WHEREAS, the City Council has expressed increased desire for daytime jobs and retail sales tax uses to be promoted and allowed in the commercial and industrial districts; and

WHEREAS, Ministorage uses typically employ less than one full-time employee per site and do not generate any retail sales tax; and

WHEREAS, on March 17, 2020, the West Richland City Council passed Ordinance No. 12-20, imposing an immediate prohibition on Ministorage uses in the Commercial Limited ("CL"), Commercial General ("CG"), Downtown Mixed Use (DMU), and Light Industrial ("LI") zones, zones where such uses are currently permitted or allowed pursuant to a conditional use permit, through the adoption of an interim development regulation, to be effective for a period of six months (the "IDR"); and

WHEREAS, the City held a public hearing on the IDR on May 5, 2020; and

WHEREAS, the City Council finds and concludes that the imposition of the IDR pending an evaluation of the impacts will be in the best interest of the public and will allow Council to make an informed and knowing decision related to future development and zoning regulations; and

WHEREAS, the City Council desires to enter findings and conclusions in support of the continued maintenance of the IDR for a period of six months after its adoption;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this IDR is to maintain the status quo by providing the City with adequate time to appropriately study the health, safety, environmental, economic, traffic and other potential adverse impacts of ministorage uses within the City of West Richland, and to determine whether the use meets the Comprehensive Plan goals and policies and Council’s desire to promote businesses with daytime jobs and retails sales tax.

Section 2. Public Comment and Input. On May 5, 2020, the City Council held a public hearing on the interim development regulation imposed on March 17, 2020.

A. Staff Presentation

Eric Mendenhall, Manager of the City of West Richland Community Development Department, began the public hearing by explaining how the topic of ministorage came before Council. Mr. Mendenhall explained that since January 6, 2020 city staff has received multiple inquiries to locate ministorage uses within the city limits. Additionally, since that time Mr. Mendenhall has been directed by Council to promote businesses that bring daytime jobs and retail sales tax. Most, if not all, ministorage units in West Richland are managed by offsite managers and they do not pay retail sales tax, only property taxes.

Mr. Mendenhall informed the Council this action will allow staff, the Planning Commission and City Council 6 months to review this land use in the zones it is currently allowed to determine if and where it would be appropriate use.

Council requested that the City staff notice the property owners in the zones affected.

B. Public Comments

During the March 3, 2020 public hearing, the following individual spoke regarding the Interim Zoning Code Regulation:

Mr. Ken Stoker, West Richland Citizen - Expressed concern over land use controls and desire for less regulation for businesses.

C. Written Comments

There have been no written comments submitted to the City in writing prior to the May 5, 2020 at 5pm deadline:

A copy of all written comments received before the deadline is attached to this Ordinance as **Exhibit B.**

Section 3. Findings of Fact and Conclusions of Law.

The City Council of the City of West Richland hereby makes the following findings:

A. Prior to the adoption of this Interim Development Regulation, ministorage uses, were

allowed as conditional uses in the Commercial Limited zone, Commercial General zone, Downtown Mixed Use zone, and in the Light Industrial zone. In light of the significant desire to promote daytime jobs, retail sales tax, promote safety and businesses that keep the overall tax burden consistent with the level of public service concluded that an interim development regulation prohibiting the submission of applications for ministorage uses to vest was necessary to enable Council to fully analyze the impacts to inform future amendments to the City's zoning code or development regulations.

B. The City finds and concludes that the imposition of the interim development regulation prohibiting the submission of applications for additional ministorage facilities within the City for a period of six months pending an evaluation and comprehensive study and analysis of the rules and regulations will be in the best interest of the public health, safety and welfare, as without the IDR in place there is a risk that development applications for a ministorage facility could vest under existing codes, thereby thwarting the efforts of the Council and depriving Council of the opportunity to address potential economic concerns through informed zoning regulations.

C. Pending the results of the above-referenced and requested studies and analysis by independent experts and agencies, the City Council finds that the interim development regulation prohibiting the submission of applications for ministorage facilities in the Commercial Limited, Commercial General, Downtown Mixed Use, and Light Industrial districts, imposed by Ordinance No. 12-20 shall continue for at least the six-month period allowed by state law, or thereafter extended pursuant to law, based on the above facts.

Section 4. Interim Development Regulation Maintained. On the basis that prior to the adoption of the Interim Development Regulation, any applicant within the Commercial Limited, Commercial General, Downtown Mixed Use, and Light Industrial zones could have vested to site a ministorage facility prior to the Council having received a full report analyzing the impacts, the Council has determined that the IDR was necessary to prevent the expansion of a potentially undesirable or incompatible use within the City. The IDR shall be maintained on the acceptance of all permit applications for ministorage in the CL, CG, DMU and LI Zones for a period of six months, unless otherwise extended pursuant to law.

The City Council hereby directs the City Clerk to schedule consideration of the interim development regulation and the results of staff's analysis prior to the expiration of this interim development regulation, and directs that the staff analysis be presented to Council by June, or the soonest available meeting thereafter.

Section 5. Termination. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

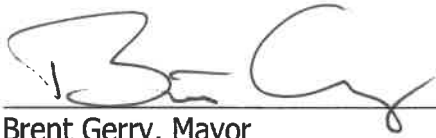
Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this


ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations

Section 8. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

Passed by the City Council of the City of West Richland, Washington this 5th Day of May, 2020.


Brent Gerry, Mayor

ATTEST:


Julie Richardson, City Clerk

APPROVED AS TO FORM:


WSBA# 33673
Bronson Brown, City Attorney



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
450499	0004642244	CITY OF WEST RICHLAND SUMMARY OF ORD	14-20	\$82.11	1	3.07 In

Attention: Julie Richardson

CITY OF WEST RICHLAND/LEGALS
 3100 BELMONT BLVD, STE 100
 WEST RICHLAND, WA 99353

**CITY OF WEST RICHLAND
 SUMMARY OF ORDINANCE 14-20**

In accordance with RCW 35A.12.160, the following is a summary of City of West Richland Ord. No. 14-20 adopted on May 5, 2020.

TITLE OF ORDINANCE:
 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, RELATING TO THE ADOPTION OF FINDINGS AND CONCLUSIONS TO SUPPORT AN EMERGENCY INTERIM DEVELOPMENT REGULATION (AS ADOPTED IN ORDINANCE NO. 12-20), PROHIBITING THE ACCEPTANCE OF APPLICATIONS FOR MINISTORAGE IN THE COMMERCIAL LIMITED, THE COMMERCIAL GENERAL, THE DOWNTOWN MIXED USE, AND THE LIGHT INDUSTRIAL ZONES WITHIN THE CITY, AND CONFIRMING THE MAINTENANCE OF THE INTERIM DEVELOPMENT REGULATION FOR SIX MONTHS AFTER INITIAL IMPOSITION AS THE EFFECTIVE PERIOD

The full text of this ordinance will be mailed free of charge to any person who requests the same from Julie A. Richardson, City Clerk, 3100 Belmont Blvd, Suite 106, West Richland, Washington, 99353, (509) 967-3431.

COUNTY OF BENTON)
 .SS
 STATE OF WASHINGTON)

Victoria Rodela, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time(s) commencing on 05/08/2020, and ending on 05/08/2020, and that said newspaper was regularly distributed to its subscribers during all of this period.

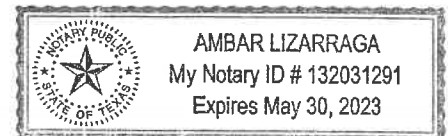
V Rodela

(Signature of Legals Clerk)

SUBSCRIBED AND SWORN BEFORE
 ME THIS 8th DAY OF May, 2020

Amel

Notary Public in and for the State of Texas
 residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!