

**CITY OF WEST RICHLAND
ORDINANCE NO. 08-21**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS AMENDING TITLE 17 OF THE WEST RICHLAND MUNICIPAL CODE, TO SPECIFY THAT TRANSMISSION LINES ARE ALLOWED AS A CONDITIONAL USE IN ALL DISTRICTS, ESTABLISHES A DEFINITION FOR SAID USE, AND DEVELOP REGULATIONS AND STANDARDS FOR TRANSMISSION LINES AND STRUCTURES;

WHEREAS, the interim development regulation will allow staff and the City Council to have additional time to review and understand the potential impacts of transmission line facilities in all zones within the City; and

WHEREAS, pursuant to RCW 35A.63.220, the City Council will conduct a public hearing on the interim development regulation contained within this Ordinance within 60 days and shall adopt findings of fact justifying this action immediately after said public hearing.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST RICHLAND, WASHINGTON, does hereby ordain as follows:

Section 1: Interim Development Regulation: The following section is hereby amends the West Richland Municipal Code, Definitions, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.09.210 T definitions.”

“Temporary sign” means a nonpermanent sign not otherwise defined in the sign code intended for use for a limited period of time.

“Theater” means a building or part of a building devoted to showing moving pictures on a paid admission basis.

“Tower” means a mast, pole, or monopole, or guyed or freestanding lattice tower designed and primarily used to support antennas associated with wireless communication service. A speculation tower may consist of any one of these tower types. As part of the service, the term “tower” includes, but is not limited to, microwave towers, common carrier towers, personal communication service (PCS), and cellular telephone/data towers. In regard to wind energy systems, the term “tower” shall mean the monopole, guyed monopole or lattice structure that supports a wind generator.

“Tower height” means the distance from the grade level of the tower foundation/base to the highest point of the turbine rotator plane.

“Townhouse” means a single-family dwelling on its own lot, in a series of two or more similar dwellings in one structure but on separate lots, with interior units sharing common walls along both side property lines and end units sharing a common wall on one side property line, and with parking incorporated within the dwelling unit.

“Transmission Lines” means electrical facilities, lines, equipment or appurtenances with an associated voltage of 69,000 volts or more.

Section 2: Interim Development Regulation: The following section is hereby amends the West Richland Municipal Code, Definitions, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.09.220 U definitions.

“Usable cannabis or usable marijuana” means dried flowers of the cannabis plant. The term “usable cannabis or usable marijuana” does not include marijuana-infused products or cannabis products.

“Use” means a purpose for which a parcel of land, its premises, or a building thereon is designed, arranged, occupied, maintained, or utilized. “Use” also encompasses the terms “activity,” “land development,” and “structure.”

“Use, accessory” means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

“Use, conditional” means a use permitted in one or more land use districts, as defined by this title, but because of certain characteristics peculiar to it or because of exact location with reference to surrounding streets and existing improvements or demands upon public facilities, requires a special degree of control to make the use consistent with, and compatible to, other existing and permissible uses, and to ensure that the use is not detrimental to the public interest.

“Use, principal” means that the primary or principal use is the main use as distinguished from a subordinate accessory use, or the use for which a structure is specifically designed or actually employed.

“Utility facilities” means all physical facilities necessary for provision of the following services: sewer, water, electricity, natural gas, telephone, cable television, wireless communication, storm drainage.

“Utility facilities, major” means those facilities necessary to provide utility services which have a greater potential to impact neighboring properties than minor utility facilities, such as: sewage treatment plants; wastewater lagoons and spray fields; power generation facilities; transmission and distribution substations; natural gas regulator stations; domestic surface water treatment facilities; irrigation canals, ponds, and reservoirs; water towers and reservoirs; outdoor pump stations; television transmission facilities more than 30 feet in height; and utility operation and maintenance centers; as well as including any buildings or structures related to these uses.

“Utility facilities, minor” means those facilities which are necessary to provide utility services and generally involve only minor structures, such as: overhead lines and support poles; underground lines and pipes; transformers; indoor and underground pump stations; public wells; outfalls; stormwater retention ponds, infiltration trenches, and catch basins; telephone and fiber optic switching/booster facilities; cable television receiver and transmission facilities 30 feet or less in height; and private on-site facilities such as septic tanks and wells; as well as including any buildings or structures related to these uses, but does not include transmission lines.”

Section 3: Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code, City Parks District, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.22.050 Conditional uses.

Uses permitted upon issuance of a conditional permit, as provided in Chapter 17.66 WRMC, include:

- A. Events which may have a large neighborhood impact as determined by the administrator.
- B. Transmission Lines.”

Section 4: Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Urban Transition Use District, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.23.050 Conditional uses.

Uses permitted upon issuance of a conditional use permit, as provided in Chapter 17.66 WRMC, include:

- A. Bed and breakfast facilities.
- B. Cemetery.
- C. Large-scale home occupation.
- D. Major utility facilities.
- E. Wireless communications facilities, subject to Chapter 17.16 WRMC.
- F. Public and private elementary, middle, and high schools, including portable school classrooms.
- G. Public parks and playgrounds.
- H. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.
- I. Automobile, motorcycle, horse and dog racing tracks.
- J. Mining and/or temporary rock crushing activities, related to on- or off-site construction or site preparation activities.
- K. Golf courses.
- L. Private small wind energy systems, subject to WRMC 17.54.110.
- M. Transmission Lines.”

Section 5: Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Low-Density Residential Use District, as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.24.050 Conditional uses.

Uses permitted upon issuance of a conditional use permit, as provided in Chapter 17.66 WRMC, include:

- A. Municipal office buildings.
- B. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.
- C. Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable school classrooms.
- D. Cemeteries.
- E. Private nursery schools.
- F. Major utility facilities.
- G. Large-scale home occupations, subject to WRMC 17.54.048.
- H. Clinics.
- I. Residential care facility.
- J. Day care centers and mini-day care centers.
- K. Public library.
- L. Recreation camps.
- M. Public and private elementary, middle, and high schools, including portable school classrooms.
- N. Wireless communication facilities, subject to Chapter 17.16 WRMC.
- O. Golf courses.
- P. Private small wind energy systems, subject to WRMC 17.54.110.
- Q. Transmission Lines.

Section 6 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Medium-Density Residential Use District (RM-10), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.30.050 Conditional uses.

Uses permitted upon issuance of a conditional use permit, as provided in Chapter 17.66

WRMC, are:

- A. Churches and similar places of worship where off-street parking is not provided.
- B. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.
- C. Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable school classrooms.
- D. Cemeteries.
- E. Private nursery schools.
- F. Major utility facilities.
- G. Large-scale home occupation, subject to WRMC 17.54.048.
- H. Clinics.

- I. Residential care facility.
- J. Day care centers and mini-day care centers.
- K. Public libraries.
- L. Recreation camps.
- M. Public and private elementary, middle, and high schools, including portable school classrooms.
- N. Community centers.
- O. Golf courses.
- P. Private small wind energy systems, subject to WRMC 17.54.110.
- Q. Transmission Lines.

Section 7 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Medium-Density Residential Use District (RM-6), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.31.050 Conditional uses.

Uses permitted upon issuance of a conditional use permit, as provided in Chapter 17.66 WRMC, are:

- A. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.
- B. Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable school classrooms.
- C. Private nursery schools.
- D. Major utility facilities.
- E. Large-scale home occupation, subject to WRMC 17.54.048.
- F. Residential care facility.
- G. Day care centers and mini-day care centers.
- H. Cemeteries.
- I. Clinics.
- J. Municipal office buildings.
- K. Public libraries.
- L. Recreation camps.
- M. Public and private elementary, middle, and high schools, including portable classrooms.
- N. Community centers.
- O. Golf courses.
- P. Transmission Lines.

Section 8 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Manufactured Home Park Use District (MH-P), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.36.050 Conditional uses.

Uses permitted upon issuance of a conditional use permit as provided in Chapter 17.66 WRMC are:

- A. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.
- B. Major utility facilities.
- C. Residential care facility.
- D. Day care centers and mini-day care centers.
- E. Public and private elementary, middle, and high schools, including portable school classrooms.
- F. Private nursery schools.
- G. Community centers
- H. Transmission Lines.”

Section 9 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Multifamily Residential Use District (MR), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.39.050 Conditional uses.

Uses permitted upon issuance of a conditional use permit, as provided in Chapter 17.66 WRMC, are:

- A. Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain.
- B. Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable classrooms.
- C. Cemeteries.
- D. Major utility facilities.
- E. Large-scale home occupation, subject to WRMC 17.54.048.
- F. Residential care facility.
- G. Day care centers and mini-day care centers.
- H. Clinics.
- I. Municipal office buildings.
- J. Public libraries.
- K. Recreation camps.
- L. Public and private elementary, middle, and high schools, including portable school classrooms.
- M. Private nursery schools.
- N. Retirement centers/convalescent homes, assisted living centers.
- O. Private small wind energy systems, subject to WRMC 17.54.110.
- P. Transmission Lines.”

Section 10 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Neighborhood Commercial Use District (C-N), as interim development regulations for six months following the effective date of this ordinance or until

otherwise amended.

“17.40.050 Conditional uses.

The following uses are permitted in the C-N district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit by the planning commission:

- A. Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable classrooms.
- B. Major utility facilities.
- C. Recreation building or area operated by membership clubs for the benefit of members and not for gain.
- D. Public and private elementary, middle, and high schools, including portable school classrooms.
- E. Private nursery schools.
- F. Wireless communication facilities, subject to Chapter 17.16 WRMC.
- G. Retail businesses operating in a building space that exceeds 15,000 square feet in area, upon the finding that the proposed retail business primarily serves and is appropriately located within the surrounding residential neighborhood.
- H. Transmission Lines.”

Section 11 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Commercial Limited Use District (C-L), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.46.050 Conditional uses.

The following uses are permitted in the C-L district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

- A. Car washes, automatic, full-service, and self-service, subject to WRMC 17.54.420.
- B. Hotels and motels.
- C. Garden nurseries and landscape garden centers with storage area for equipment and materials.
- D. Movie theaters.
- E. Undertaking establishments.
- F. Art studios.
- G. Private nursery schools.
- H. Major utility facilities.
- I. Gas stations.
- J. Public and private elementary, middle, and high schools, including portable school classrooms.
- K. Colleges, universities, specialty schools operated for profit; and schools not otherwise defined, including portable classrooms.
- L. Lumber or building material sales.
- M. Museums.
- N. Public library.

- O. Performing arts theaters.
- P. Wireless communication facilities, subject to Chapter 17.16 WRMC.
- Q. Automotive collision repair; provided, that paint booths are not allowed.
- R. Carnival/fair (temporary).
- S. Community centers.
- T. Warehousing up to 2,000-square-foot building subject to the following:
 1. Bay doors shall face away from the public street and must be visibly screened with 10-foot-wide dense vegetated buffer or brick wall from any public right-of-way.
 2. The building design must be commercial in nature and visually aesthetic.
- U. Transmission Lines.

Section 12 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Commercial General Use District (C-G), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.48.050 Conditional uses.

The following uses are permitted in the C-G district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

- A. Machine shops.
- B. Heavy machinery sales and service.
- C. On-site hazardous waste treatment and storage.
- D. Adult use businesses, provided they meet all of the special location conditions as set forth in WRMC 17.54.450.
- E. Major utility facilities.
- F. Amusement parks.
- G. Animal control facilities (indoor).
- H. Garden nurseries and landscape garden centers.
- I. Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable school classrooms.
- J. Recreation building or area operated by membership clubs for the benefit of members and not for gain.
- K. Commercial parking lot, subject to Chapter 17.57 WRMC.
- L. Public and private elementary, middle, and high schools, including portable school classrooms.
- M. Wireless communication facilities, subject to Chapter 17.16 WRMC.
- N. Recreational vehicle parks.
- O. Automotive collision repair; provided, that paint booths are not allowed.
- P. Carnival/fair (temporary).
- Q. Community recreation facilities.
- R. Community centers.
- S. Festivals.
- T. Outdoor concerts.

- U. Park and ride facilities.
- V. Retail, sales and services businesses, where the gross square footage of any building exceeds 50,000 square feet.
- W. Small-scale food and beverage product manufacturing.
- X. Lumber or building material storage yards, secondary to an on-site retail use.
- Y. Transmission Lines.

Section 13 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Downtown-Mixed Use District (D-MU), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.49.050 Conditional uses.

The following uses are permitted in the D-MU district, subject to review in accordance with Chapter 17.66 WRMC and other applicable provisions of this code, and the issuance of a conditional use permit:

- A. Animal clinics and veterinary hospitals.
- B. Commercial parking lots, subject to Chapter 17.57 WRMC.
- C. Commercial event and entertainment uses (such as stadiums, auditoriums, exhibition halls and other similar facilities).
- D. Large-scale home occupations, subject to WRMC 17.54.048.
- E. Major utility facilities.
- F. Recreation building or area operated by membership clubs for the benefit of members and not for gain.
- G. Temporary/seasonal outdoor public markets.
- H. Public and private elementary, middle, and high schools, including portable school classrooms.
- I. Performing arts theaters.
- J. Private nursery schools.
- K. Day care centers and mini-day care centers, subject to WRMC 17.54.041.
- L. Automotive repair and maintenance, under hood and under car.
- M. Carnival/fair (temporary).
- N. Community centers.
- O. Festivals.
- P. Outdoor concerts.
- Q. Transmission Lines.

Section 14 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Combined Commercial/Light Industrial Use District (C-LI), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.51.030 Conditional uses.

Uses permitted upon issuance of a conditional use permit, as provided in Chapter 17.66 WRMC, are:

- A. Major utility facilities.
- B. Day care centers and mini-day care centers, subject to WRMC 17.54.041.
- C. Adult use businesses, provided they meet all of the special location conditions as set forth in WRMC 17.54.450.
- D. Wireless communication facilities, subject to Chapter 17.16 WRMC.
- E. Commercial parking lot, subject to Chapter 17.57 WRMC.
- F. Commercial entertainment and event uses (such as stadiums, auditoriums, exhibition halls, etc.).
- G. Garden nurseries and landscape garden centers.
- H. High schools, colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable school classrooms.
- I. Animal control facility – indoor.
- J. Manufactured home sales.
- K. Museums.
- L. New and used car sales/repair.
- M. On-site hazardous waste treatment and storage facilities.
- N. Public and private elementary, middle, and high schools, including portable school classrooms.
- O. Recreational vehicle sales/repair.
- P. Storage units/mini-storage/recreational vehicle and boat storage, subject to WRMC 17.54.430 and 17.54.434.
- Q. Temporary/seasonal outdoor public markets.
- R. Recreational vehicle parks.
- S. Automobile, motorcycle, horse and dog racing tracks.
- T. Carnival/fair (temporary).
- U. Private nursery schools.
- V. Amusement parks.
- W. Community centers.
- X. Festivals.
- Y. Park and ride facilities.
- Z. Transmission Lines.

Section 15 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code Light Industrial Use District (LI), as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

“17.52.030 Conditional uses.

Uses permitted upon issuance of a conditional use permit, as provided in Chapter 17.66 WRMC, are:

- A. Junkyards, automobile wrecking yards, scrap paper or rag storage, sorting or bailing.
- B. All uses of land, buildings, and structures or industrial processes that are noxious or injurious by reason of production or emission of dust, smoke, or refuse matter, odor, gas

- fumes, noise, vibration or substances.
- C. Automobile, motorcycle, horse and dog racing tracks.
 - D. On-site hazardous waste treatment, transfer, and storage facilities.
 - E. Off-site hazardous waste treatment, transfer, and storage facilities.
 - F. Major utility facilities.
 - G. Waste transfer stations.
 - H. Airports and heliports.
 - I. Animal control facilities (outdoor).
 - J. Public and private elementary, middle, and high schools, including portable school classrooms.
 - K. Private nursery schools.
 - L. Carnival/fair (temporary).
 - M. Mining and/or temporary rock crushing activities, related to on- or off-site construction or site preparation activities.
 - N. Wireless communication facilities, subject to Chapter 17.16 WRMC.
 - O. Amusement parks.
 - P. Festivals.
 - Q. Transmission Lines.

Section 16 Interim Development Regulation: The following section is hereby adopted in the West Richland Municipal Code "Transmission Lines", as interim development regulations for six months following the effective date of this ordinance or until otherwise amended.

"17.54.060 Transmission lines.

Transmission lines are permitted as specified for certain zoning districts, subject to the following regulations:

- A. Transmission lines must be a steel monopole design, no H-frame structures.
- B. The color of the transmission line structures shall be rust color or similar.

Variations from these standards may be allowed if associated with FAA regulations or similar federal requirements.

Section 17. Duration. This interim development regulation shall be in effect for six (6) months following the effective date of this ordinance, unless otherwise extended pursuant to RCW 35A.63.220 or earlier repealed by the City Council.

Section 18. Public Hearing Required. As required by RCW 35A.63.220 and RCW 36.70A.390, within sixty (60) days of the passage of this ordinance, the City Council shall hold a public hearing on this ordinance and shall adopt findings of fact justifying this action immediately after said public hearing. Said hearing shall be 6:00 p.m., Tuesday, April 21, 2020 in the City Council Chambers at 3100 Belmont Blvd, West Richland, WA. The City Clerk is directed to provide notice of such public hearing as required by law.

Section 19. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested, leading to development that could be incompatible with the codes eventually adopted by the City,

specifically in the Commercial Limited, Commercial General, Downtown Mixed Use District and Light Industrial zones. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of applications for Storage Units/Mini Storage use to the City in an attempt to vest rights for an indefinite period of time. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the City, because those property owners with exempt applications/permits, those with previously obtained approvals for development or redevelopment of the type identified as "exempt" may proceed with processing and development, as the case may be.

Section 20. 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 21. 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 22. Effective Date. This emergency ordinance, passed by a majority plus one of Council, shall be in full force and effect immediately upon passage.

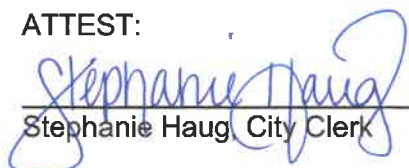
Section 23. Transmittal to State. Pursuant to RCW 36.70A.106, a complete and accurate copy of this ordinance shall be transmitted to the Department of Commerce within ten (10) days of adoption.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON, this 2nd day of March, 2021.**




Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney