

1. 6:00 P.M. Planning Commission Regular Meeting Materials  
Join Zoom Meeting

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Meeting ID: 819 2515 8122

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Documents:

[5-11-2023 PLANNING PACKET.PDF](#)



## **AGENDA**

Planning Commission

City Council Chambers- Municipal Services Facility

3100 Belmont Blvd., West Richland

*Thursday May 11, 2023 – 6:00 p.m.*

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**Planning Commission Members:** Chad Utecht, Chair  
Dan O’Neill, Vice Chair  
Nancy Aldrich, Commissioner  
Michail Peteson, Commissioner  
Colton Brady, Commissioner  
Jared Retter, Commissioner  
Vacant

**Staff:** Eric Mendenhall, Community Development Director  
Elisha Ransom, Planner  
Tobie Webb, Staff Recorder

**Notice to the public: This meeting will be an in-person meeting with a remote attendance option via zoom. During comment periods, in person comments will be heard prior to those via the zoom option. If you want to provide public comments on any of the agenda items, please submit them in writing to [planner@westrichland.org](mailto:planner@westrichland.org) by 3:00pm Thursday May 11, 2023 to be read during the meeting. The Zoom meeting information is available on the City’s website or can be obtained by emailing [twebb@westrichland.org](mailto:twebb@westrichland.org).**

1. **Call to order:**
2. **Attendance:**
3. **Approval of the agenda:**
4. **Approval of minutes:**
  - A. April 13, 2023, Regular Meeting
5. **Old Business:**
6. **New Business:**
  - A. **Public Hearing to consider File No. TXT-004-2023: To allow automotive collision repair including paint booths as a conditional use in the Commercial Limited Zone.**
  - B. **Announcements, Reports and Comments:**
  - C. **Adjourn:**

**Upcoming Meetings and Events: June 8, 2023**

City of West Richland  
Planning Commission Meeting Minutes  
April 13, 2023

*\*Meeting was held in person and available by zoom*

1. **Call to order:** Vice Chair D. O'Neill called the meeting to order at 6:00 pm.

2. **Attendance:**

Members Present:

Dan O'Neill Vice Chair  
Nancy Aldrich, Commissioner  
Colton Brady, Commissioner  
Jared Retter, Commissioner

Members Absent:

Chad Utecht, Chair  
Michael Peterson, Commissioner

Staff Present:

Eric Mendenhall, Community Development Director  
Elisha Ransom, Planner via Zoom  
Tobie Webb, Staff Recorder

Commissioner N. Aldrich made a motion to excuse Chair C. Utecht and Commissioner M. Peterson. Commissioner C. Brady seconded the motion and it carried unanimously.

3. **Approval of the Agenda:**

Commissioner N. Aldrich moved to approve the agenda with the swapping of items 5 and 6. Commissioner C. Brady seconded the motion and it carried unanimously.

4. **Approval of the minutes of March 9, 2023:**

Commissioner C. Brady moved to approve the March 9, 2023, minutes. Commissioner J. Retter seconded the motion and it carried unanimously.

5. **New Business:**

**Public Hearing to consider File No. PLAT-0003-2023: Preliminary Plat for Caden Estates**

Vice Chair D. O'Neill opened the Public Hearing at 6:04 pm.

Planner E. Ransom led the presentation on File No. PLAT-0003-2023: Preliminary Plat for Caden Estates.

Applicant Nathan Machiela, Knutzen Engineering, 5401 Ridgeline Dr. Suite 160, Kennewick WA, 99337 spoke on the conditions of approval. He is satisfied with the conditions the City has laid out.

Resident William Wildenborg, 7506 Woodford Ln. West Richland WA. 99353, spoke on

the impact this project will have on their community. His concerns are the access easement through the middle of the property. He is wondering why they can't receive access off of Van Giesen st. instead. He doesn't like the idea of more cars driving through the neighborhood to get to the new development.

Resident Chris Kopp, 7606 Woodford Ln. brought up that his residence will be the one to lose its yard and landscaping and possibly his fence. He is concerned about the sheds on the property-they are well's not just sheds. Another concern is the possibility of having City water and the increase in costs for that. His other concern is the big trucks driving through the middle of his property and the possible damage that may happen. He is also wondering why the new development can't be granted access off of Van Giesen St.

Resident Chris Foster, 5957 W. Van Giesen St., spoke on the fact that this is a rural area with just a few homes. The access wasn't intended for a single family home not nine single family homes. He stated that the City has changed the zoning on that property so they should change the access easement also. He would like to also see access off of Van Giesen St. as there are already single family homes with access off that street. He is concerned about the moving of the pump houses to create this access easement.

Resident Cynthia Mcwhorter, 7604 Woodford Ln. concerns were that other residents were granted access to their homes off of Van Giesen and is not sure why they will have to tear up lawns and move fences to grant access through their area to the new development. She doesn't want her nice rural land disturbed.

Resident Rebecca Woodford-Kopp, 7606 Woodford Ln. spoke on the fact her parents have owned this land for years. She said that they have been trying to get to their land for years and tried to get water lines put in against their wishes. She is concerned that all the trees planted for years will be gone along with their landscaping. The main concern is the well that was put in by her parents around 40 years ago and is their only source of water for the property, the new development would possibly cause harm to the pump and water supply. She is also concerned about the family Koi pond being in danger. The access easement would create a big change in landscape and years old trees taken down. She asks that you take into consideration the wells that are in place and needed.

Applicant Randy Dirks, Dirks Properties, 1307 Fuji Way, Richland WA, 99352 spoke on his intent is not to disrupt lives and upset people. He is not moving sheds or wells, he wants to work with people to get a new fence up. He also stated he would not be blocking access to the back pastures. He is willing to work with everyone.

Commissioner N. Aldrich asked about the access to the new development and why access can not be granted off of Van Giesen.

Planner E. Ransom answered that the access easement is recorded on the property and the City does not have the ability to grant access off of Van Giesen.

Commissioner C. Brady asked if there has been an application to the State to grant access off of Van Giesen.

Community Development Director E. Mendenhall explained the requirements from the State and the fact that an access easement already exists and the application to the State would likely be denied. As far as he knows, no application to the State has been made.

Planner E. Ransom cleared up a few more questions the Planning Commission had.

Vice Chair D. O'Neill closed the Public Hearing at 6:54 PM.

Commissioner N. Aldrich made a motion to postpone the Public to a latter date to aquire more information. No one seconded the motion, and the motion dies.

Commissioner C. Brady made a motion that the Planning Commission adopt the Findings, Conclusions and Conditions found in the staff report and recommend approval of Preliminary Plat File No. PLAT-0003-2023: Caden Estates and associated frontage improvement waiver to City Council based upon Findings of Fact, Conclusions of Law, and Conditions of Approval. Commissioner J. Retter seconded the motion, 3 yah's and 1 nay. Motion carries.

### **Text Amendment-Body Repair Shop w/Paint Booth: Discussion**

Community Development Director E. Mendenhall led the discussion on Text Amendment-Body Repair Shop w/ Paint Booth.

## **6. Old Business:**

### **A. Public Hearing to consider File No. TXT-0001-2023: Text Amendment to allow Public School Support Facilities**

Vice Chair D. O'Neill opened the Public Hearing at 7:16 PM.

Community Development Director E. Mendenhall spoke on the Text Amendment allowing Public School Support Facilities. Staff recommends approval to take to Council.

Rchard Krasner, Richland School District, spoke on the importance of this text amendment and answered questions from the Planning Commissioners.

Vice Chair D. O'Neill closed the Public Hearing at 7:25 PM.

Commissioner N. Aldrich made a motion to recommend Council approve the proposed text amendment to allow the school district to locate a agricultural facility in the City of West Richland as a Conditional Use in the Commercial General district. Commissioner J. Retter seconded the motion and it carried unanimously.

### **B. Public Hearing to consider File No. TXT-0002-2023: Test Amendment to exempt Secondary Signage for Public Facilities**

Vice Chair D. O'Neill opened the Public Hearing at 7:26 PM.

Community Development Director E. Mendenhall spoke on the Text Amendment to exempt Secondary Signage for Public Facilities. Staff recommends approval to take to Council.

Vice Chair D. O'Neill closed the Public Hearing at 7:29 PM.

Commissioner J. Retter made a motion to recommend Council approve the proposed text amendment to change the sign code and exempt secondary signage for Public Facilities as proposed. Commissioner C. Brady seconded the motion and it carried unanimously.

**C. Public Hearing to consider File No. TXT-0003-2023: Text Amendment to create a definition for Fire Stations**

Vice Chair D. O'Neill opened the Public Hearing at 7:30 PM.

Community Development Director E. Mendenhall spoke on Txt-0003-2023: Text Amendment to create a definition for Fire Stations. Staff recommends approval to take to Council.

Vice Chair D. O'Neill closed the Public Hearing at 7:32 PM.

Commissioner N. Aldrich made a motion to recommend Council approve the proposed text amendment to add a definition for "Fire Station" as proposed. Commissioner C. Brady seconded the motion and it carried it unanimously.

**7. Announcements, Reports, and Comments:**

**8. Adjourn: 7:33 pm.**

Dan O'Neill, Vice Chair

Tobie Webb, Staff Recorder

## WEST RICHLAND PLANNING COMMISSION AGENDA ACTION ITEMS

AGENDA ITEM:	TYPE OF ACTION:			
<b>MEETING DATE:</b>	May 11, 2023			
<b>SUBJECT:</b>	Text Amendment to allow automotive collision repair including paint booths as a conditional use in the Commercial Limited zone		<b>Public Hearing</b>	
			<b>1st Discussion</b>	X
<b>STRATEGIC FOCUS AREA</b>	1. Community Economic Vitality, Competitiveness, & Diversity  Goal 4: Create development policy codes appropriate to achieve city vision relative to commercial and residential development.		<b>2nd Discussion</b>	
<b>Prepared by:</b>	Eric Mendenhall, Community & Economic Development Director		<b>Other</b>	
<b>Reviewed by:</b>	Mayor Brent Gerry			

**SUGGESTED MOTION:** I move to recommend Council approve the proposed text amendment TXT-004-2023 to allow automotive collision repair including paint booths as a conditional use in the Commercial Limited zone.

### ATTACHMENTS:

1. Draft Ordinance
2. Application
3. Applicant's proposal

### BACKGROUND INFORMATION:

Staff has received an application by Frank and Sons Autobody to change the city's zoning code to allow automotive collision repair including paint booths as a conditional use in the Commercial Limited zone. The city currently allows automotive collision repair not including paint booths and automotive repair and maintenance, under hood and under car. The Environmental Protection Agency and Benton County Clean Air Agency regulate emissions from paint booths, which are internal to the building and require significant emission scrubbing to that they do not pollute the air and become an environmental impact. These businesses require regular monitoring of their emissions. <http://bentoncleanair.org/businesses/regulated-business>

### SUMMARY:

The proposed text amendment would allow Automotive collision repair, including paint booths as a conditional use in the Commercial Limited zone. This method would require any new Automotive collision repair with paint booths to have a public hearing and notice the neighbors. This will allow the neighbors an opportunity to voice concerns and for staff to review the proposal for any potential mitigation needs to reduce impacts to the neighborhood.

### RECOMMENDATION:

Staff recommends the Planning Commission move to recommend Council to approve the proposed text amendment to allow automotive collision repair including paint booths as a conditional use in the Commercial Limited zone.

**CITY OF WEST RICHLAND  
ORDINANCE NO. \_\_\_\_-23**

**AN ORDINANCE OF THE CITY OF WEST RICHLAND, WASHINGTON,  
AMENDING THE WEST RICHLAND MUNICIPAL CODE TO (1) AMENDING  
SECTION 17.13.030 COMMERCIAL LAND USE MATRIX, ALLOWING  
AUTOMOTIVE COLLISION REPAIR, INCLUDING PAINT BOOTHS IN THE  
COMMERCIAL LIMITED AS A CONDITIONAL USE.**

**WHEREAS**, the City Council finds the proposal will encourage in-fill development; and

**WHEREAS**, the City Council finds that the proposal will provide an increase in daytime jobs and retail sales tax; and

**WHEREAS**, the City Council support economic and commercial development within the City; and

**WHEREAS**, the City Council finds that paint booths are regulated by Benton County Clean Air Agency to remove impacts of paint booths to neighboring properties; and

**WHEREAS**, on May 1, 2023, the City's Community Development Department issued a State Environmental Policy Act (SEPA) threshold determination of DNS (Determination of Non-significance) on the proposed changes; and

**WHEREAS**, in accordance with RCW 36.70A.160, on May 2, 2023, the City's Community Development Department transmitted the proposed text changes to the State Department of Commerce and request expedited review and the request was granted on May 2, 2023; and

**WHEREAS**, on May 11, 2023 the Planning Commission held a duly noticed public hearing to receive public testimony on the proposed changes and accepted all testimony from anyone wishing to speak for or against changes, and deliberated on the proposed changes; and

**WHEREAS**, on May 11, 2023, the Planning Commission voted **unanimously** to accept the staff's recommended findings, conclusions, and recommendations on the proposed amendments; and unanimously recommend Council approve of the proposed amendments; and

**WHEREAS**, the City Council Planning and Economic Development Subcommittee reviewed the proposed amendments at their meeting on May XX, 2023 and **unanimously** voted to recommend do pass; and

**WHEREAS**, the City Council reviewed the proposed amendments at their regularly scheduled Council meeting on June XX, 2023; and

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

**WHEREAS**, on June XX, 2023, the City Council voted to approve the zoning code amendments; and

**WHEREAS**, the City Council finds it prudent and in the public interest to adopt the proposed amendments by ordinance;



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

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,  
WASHINGTON, this XX day of June, 2023.**

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Brent Gerry, Mayor

ATTEST:

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Stephanie Haug, City Clerk

APPROVED AS TO FORM:

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Bronson Brown, City Attorney

**SECTION 1:** That West Richland Municipal Code Chapter 17.13.030 – Commercial land use matrix, is hereby amended to read as follows:

**17.13.030 Commercial land use matrix.**

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown-Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Accessory buildings	S	S	S	S	S	S
Accessory dwelling units	-	-	-	-	-	-
Adult family home	-	-	-	P	-	-
Adult use businesses	-	-	C	-	C	-
Agri-chemical distributors	-	-	-	-	-	P
Airports and heliports	-	-	-	-	-	C
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
Amusement parks	-	-	C	-	C	C
Animal clinics/veterinary hospitals	-	-	P	C	P	-

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown-Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Animal control facilities (indoor)	-	-	C	-	C	P
Animal control facilities (outdoor)	-	-	-	-	-	C
Art studios	P	P	P	P	P	-
Automobile parking	S	S	S	S	S	S
Automobile, motorcycle, horse, and dog racing tracks	-	-	-	-	C	C
Automotive collision repair, including paint booths	-	C	-	-	P	P
Automotive collision repair, provided, that paint booths are not allowed	-	C	C	-	-	-
Automotive repair and maintenance, under hood and under car	-	P	P	C	P	P
Banks, including automatic teller machines	P	P	P	P	P	-
Bed and breakfast facilities	S	-	-	S	-	-
Blacksmith, welding, or other metal shops, excluding bunch presses over 20 tons rated capacity, drop hammers and the like	-	-	-	-	-	P
Carnival/fair (temporary)	-	C	C	C	C	C

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown-Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Carwashes, automatic, full-service, and self-service	-	C	P	-	P	S
Cemetery	-	-	-	-	-	-
Churches and similar places of worship	-	P	P	P	-	-
Churches and similar places of worship where off-street parking is provided	P	-	-	-	-	-
City parks and/or open space areas, including conservation sites, and activities associated with such uses	P	P	P	P	-	-
Clinics	-	P	P	-	-	-
Clubhouses	P	P	P	P	P	-
Colleges, universities, specialty schools operated for profit, and schools not otherwise defined, including portable school classrooms	C	C	C	-	P	-
Commercial coaches for temporary uses	-	-	S	-	P	-
Commercial coaches in association with an existing building or use	-	-	-	-	S	S

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown-Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Commercial entertainment and event uses (such as stadiums, auditoriums, exhibition halls)	-	-	P	C	C	-
Commercial parking lot	-	-	C	C	C	-
Community centers	-	C	C	C	C	-
Community recreation facilities	-	-	C	-	-	-
Contractors, plant or storage yards	-	-	-	-	-	P
Convenience store or mini-market	P	P	-	P	P	-
Creameries, bottling, ice manufacturing and cold storage plants	-	-	P	-	-	P
Daycare centers and mini-day care centers	P	P	P	C	C	-
Duplexes, with a minimum of 420 square feet finished living space	-	-	-	P	-	-
Duplexes; provided, that each dwelling unit has a minimum of 420 square feet finished living space	-	-	-	-	-	-
Electric vehicle charging stations	P	P	P	P	P	P
Events which may have a large neighborhood impact as determined by administrator	-	-	-	-	-	-

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown- Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Family day care provider	-	-	-	P	-	-
Festivals	-	-	C	C	C	C
Fire stations	P	P	P	P	P	P
Food processing	-	-	-	-	P	P
Food vending vehicles	-	-	P	P	P	P
Foundries casting nonferrous metals or electric foundries not causing noxious fumes or odors	-	-	-	-	-	P
Garden nurseries and landscape garden centers with storage area for equipment and materials	-	C	C	-	C	P
Gas stations	-	C	P	P	P	P
Golf courses	-	-	-	-	-	-
Growing fruits, vegetables, grains, flowers and field crops	-	-	-	-	-	-
Heavy machinery sales and service	-	-	C	-	P	P
High schools, colleges, universities, specialty schools operated for profit, and schools not	-	-	-	-	C	-

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown- Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
otherwise defined, including portable school classrooms						
Hobby agriculture	-	-	-	-	-	-
Hospitals	-	P	P	-	-	-
Hotels and motels	-	C	P	P	P	-
Junkyards, automobile wrecking yards, scrap paper or rag storage, sorting or baling	-	-	-	-	-	C
Large domestic animals <sup>1</sup>	-	-	-	-	-	-
Large-scale home occupations	-	-	-	C	-	-
Laundromats	-	P	P	-	P	P
Lumber or building material sales	-	C	P	-	P	-
Lumber or building material storage yards, secondary to an on-site retail use	-	-	C	-	-	-
Machine shops	-	-	C	-	-	P
Major utility facilities	C	C	C	C	C	C

<b>Use</b>	<b>Neighborhood Commercial (C-N)</b>	<b>Commercial Limited (C-L)</b>	<b>Commercial General (C-G)</b>	<b>Downtown- Mixed Use (D-MU)</b>	<b>Commercial Light Industrial (C-LI)</b>	<b>Light Industrial (LI)</b>
Manufactured home park offices and/or community facilities, including swimming pools	-	-	-	-	-	-
Manufactured home sales	-	-	P	-	C	-
Manufactured homes	-	-	-	P	-	-
Microbreweries	P	-	P	P	P	P
Mining and/or temporary rock crushing activities, related to on- or off-site construction or site preparation activities	-	-	-	-	-	C
Minor utility facilities	P	P	P	P	P	P
Movie theaters	-	C	P	-	P	-
Multifamily dwellings which contain not less than 420 square feet of finished living space per dwelling unit	-	-	-	P	-	-
Municipal office buildings	P	P	P	P	P	-
Museums	-	C	P	P	C	-
New and used car sales/repair	-	-	P	-	C	-



Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown- Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Off-site hazardous waste treatment, transfer, and storage facilities	-	-	-	-	-	C
One single-family detached dwelling with not less than 1,000 square feet of finished living space	-	-	-	-	-	-
One single-family detached dwelling with not less than 420 square feet of finished living space	-	-	-	-	-	-
On-site hazardous waste treatment and storage	-	-	C	-	C	C
Outdoor concerts	-	-	C	C	-	P
Parish or clergy houses and religious education buildings	-	P	P	P	-	-
Park and ride facilities	-	-	C	-	C	-
Parking lot – private	S	S	S	-	S	-
Performing arts theaters	-	C	P	C	P	-
Personal services	P	P	P	P	P	P
Permitted special events	-	-	-	-	-	-
Post offices	P	-	P	P	P	P

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown- Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Private nursery schools	C	C	P	C	C	C
Private small wind energy systems	-	-	-	S	-	-
Professional offices	P	P	P	P	P	P
Public and private elementary, middle, and high schools, including portable school classrooms	C	C	C	C	C	C
Public library	-	C	P	-	P	-
Public parks and playgrounds	P	P	P	P	P	P
<u>Public agriculture school facilities</u>	=	=	<u>C</u>	=	=	=
Public school support facilities	-	-	P	-	P	P
Recreation buildings or areas operated by membership clubs for the benefit of members and not for gain	C	-	C	C	P	-
Recreation camps	-	-	-	-	-	-
Recreational vehicle parks	-	-	C	-	C	-
Recreational vehicle sales/repair	-	-	P	-	C	-

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown- Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Recycling or donation drop-off containers (unattended)	-	-	P	S	S	S
Recycling processing facilities	-	-	-	-	-	P
Residential care facility	-	-	-	-	-	-
Residential use secondary to a business enterprise provided dwelling unit has a minimum of 420 square feet of finished living space, and the dwelling is constructed in compliance with the International Fire Code and International Building Code	S	S	S	S	S	-
Restaurants (with drive-through)	-	C	P	P	P	-
Restaurants (without drive-through)	P	P	P	P	P	-
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	C	-	-	-	-	-
Retail, sales, and service businesses	P	P	P	P	P	S

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown- Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Retail, sales and service businesses, where the gross square footage of any building exceeds 50,000 square feet.	-	-	C	-	-	-
Retirement centers/convalescent homes, assisted living centers	-	-	P	-	-	-
Service stations	-	-	P	P	P	-
Single-family residences with not less than 420 square feet of finished living space	-	-	-	P	-	-
Small domestic animals	-	-	-	S	-	-
Small-scale food and beverage manufacturing	-	-	C	-	-	-
Small-scale home occupations	-	-	-	S	-	-
Storage and similar facilities for use of manufactured home park residents only	-	-	-	-	-	-
Storage units/mini-storage/recreational vehicle and boat storage	-	-	-	-	-	-
Swimming pools	-	-	-	S	-	-
Taverns and cocktail lounges	-	-	P	P	P	-

Use	Neighborhood Commercial (C-N)	Commercial Limited (C-L)	Commercial General (C-G)	Downtown- Mixed Use (D-MU)	Commercial Light Industrial (C-LI)	Light Industrial (LI)
Temporary/seasonal outdoor public markets	-	-	P	C	C	-
Townhouses/rowhouses	-	-	-	P	-	-
Transmission lines	C	C	C	C	C	C
Undertaking establishments	-	C	P	-	P	-
Vehicle and vessel body shops	-	-	-	-	P	-
Warehousing and distributing	-	-	-	-	P	P
Warehousing up to 2,000 square foot building	-	C	-	-	-	-
Waste transfer stations	-	-	-	-	-	C
Wholesale business	-	-	P	-	P	P
Wine tasting rooms	-	-	-	P	-	-
Wine tasting/sales	-	-	P	P	P	P
Wineries	-	-	P	P	P	P
Wireless communication facilities	C	C	C	-	C	C
Wireless communication facilities (co-location with another facility)	P	P	P	P	P	P

**Section 3. 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 4. 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 5. Effective Date.** This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication, as provided by law.

**Section 6. 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.



# Zoning Map/Text Amendment Application

Community Development Department  
 3100 Belmont Blvd. Suite 104, West Richland, WA 99353  
 509-967-5902 Fax 509-967-2419 Inspection Line 967-3518

<b>PROPERTY OWNER INFORMATION</b>		<input type="checkbox"/> Contact Person
Owner: Tim Bush		
Address: 320 West Columbia Dr, Kennewick WA 99336		
Phone: 509-947-7902	Email: tim@bushdevelopments.com	

<b>APPLICANT/CONTRACTOR INFORMATION (if different)</b>		<input checked="" type="checkbox"/> Contact Person
Company: Frank and Sons Auto Body	UBI#	
Contact: Sean Markussen		
Address: 1319 West Ainsworth St, Pasco WA 99301		
Phone: 509-392-9550	Email: sean.m@fnscollision.com	

<b>DESCRIPTION OF WORK</b>
Amendment to WRMC 17.13.030 to allow automotive collision repair including paint booth as a conditional use in the C-L zone.

<b>PROPERTY INFORMATION</b> <b>**All properties located in the C-L Zone**</b>		
Parcel #: n/a		
Legal Description:		
Current Zoning:	Current Comp Plan:	<b>Requested Zoning:</b>
Current Use:	Proposed Use:	Area of Property:

<b>APPLICATION MUST INCLUDE:</b>
<ol style="list-style-type: none"> <li>1. Rezone criteria (page 2) of this application - N/A for text amendments.</li> <li>2. SEPA Checklist.</li> <li>3. Title Insurance company certificate - N/A for text amendments.</li> <li>4. Any other information the Community Development Director deems necessary to determine compliance with applicable codes.</li> </ol>

<b>ANSWER QUESTIONS AS COMPLETELY AS POSSIBLE</b>
The unique characteristics, if any, of the property or circumstances of the owner:  See attached sheet.
Any hardship that may result in the event the rezone is not granted:  See attached sheet.
The manner in which the proposed rezone conforms to patterns in adjacent zones:  See attached sheet.

Any beneficial or adverse effects the granting or denial of the rezone would have on adjacent or surrounding zones:

Not applicable for text amendments.

Any beneficial or adverse effects the granting or denial of the rezone would have in relation to the overall purpose and intent of the comprehensive plan and this title:

Not applicable for text amendments.

The benefits of detriments accruing to the city which would result from the granting or denial of this special permit:

Not applicable for text amendments.

Whether the proposed rezone represents a better use of the land from the standpoint of the comprehensive plan than the original zone:

Not applicable for text amendments.

Whether the proposed rezone represents spot zoning and whether a larger area should be considered:

Not applicable for text amendments.

Identify impacts on the environment and public safety:

Not applicable for text amendments.

I authorize employees and officials of the City of West Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of the Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

*Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of West Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.*

Applicant Printed Name: Sean Markussen

Applicant Signature:  Date 3-24-23



**Frank & Sons Autobody  
Proposed West Richland Zoning Code Amendment  
Permitting Paint Booths in the C-L District  
March 2023**

**Proposal:**

Amending Section 17.13.030 of the West Richland Municipal Code in the following manner:

- Making the use titled “Automotive collision repair, including paint booths” a conditionally permitted use subject to the conditional use permit review procedures and criteria specified in WRMC 17.66.030.

**Rationale:**

Currently, the City zoning code allows for automotive collision repair uses through the issuance of a conditional use permit, provided that paint booths are not allowed as a part of the repair business. This current restriction eliminates a critical component from the services that an auto body shop provides. Without a paint booth and the capabilities that such a facility provides, operation of an auto body shop is not viable.

The cities of Richland, Pasco and Kennewick do not restrict paint booths from zones that provide for collision repair services.

The essential purpose of the C-L zone as defined in Section 17.46.020 of the Municipal Code states that: *“The essential uses of this district are retail business, financial, professional, and personal service establishments, and limited cultural or entertainment enterprises that serve the community.”* Collision repair services are rightly allowed as appropriate uses within the C-L district, as they are service businesses that provide a needed service within the community. The amendment to provide for paint booths as part of an automotive collision repair business would ensure that this land use could feasibly locate within the C-L district.

Collision repair business has greatly changed in recent years. The old stereotype of a repair business littered with partially disassembled or wrecked vehicles stored in the open and assorted welding and other repair of vehicles occurring outdoors, with a paint facility that produced toxic odors is no longer accurate. In fact, the opposite is true. Today’s collision repair businesses operate entirely within enclosed buildings and paint booths are tightly enclosed facilities with sophisticated filtration systems that are regulated by the Benton Clear Air Authority.

The standards in place for all uses in the C-L district require that all business, service, repair and processing operations occur within an enclosed building (see WRMC 17.46.030(A)). Outdoor storage areas are required to be enclosed with a sight obscuring fence (see WRMC 17.46.030(B) & (D)). These standards plus the conditional use permit process which enables the City to perform a specific analysis of a site proposed for this use are sufficient to ensure that adequate protections are in place for adjacent properties.

### **Consistency with the City Comprehensive Plan**

There are several goals and policies contained in the City's comprehensive plan that are supportive of the proposed code amendment, as outlined below.

#### **Land Use Goals**

- D. Provide for the orderly development of the City.**
- E. Establish land use patterns to balance development and provide for diverse uses.**

Comment: These two goals speak to the development and maintenance of land use patterns that will result in orderly development while still providing for diverse uses. The proposed amendment to the C-L district will provide for one additional land use that will provide needed services to the community. The existing development standards associated with the C-L district and the nature of modern automotive collision repair businesses, which are conducted entirely indoors and use sophisticated filtration systems for their paint booths will ensure that adjacent land uses will not be negatively impacted by this code amendment. Further, the City will retain control over the proposed use as it will require review and approval of a conditional use permit when specific proposals are brought forward.

#### **Economic Development Goals**

- J. Make West Richland a desirable place for private investment in businesses and real estate.**

#### **Economic Development Policies and Strategies**

*3. Focus on business assistance and regulatory and tax efficiency to create a strong business climate that encourages the growth and expansion of businesses within the city.*

*13. Recognize the importance of maintaining and growing the city's tax base to support public services and balance the impact of taxes, fees, or utility rates on the economic development goals and the financial health of the city.*

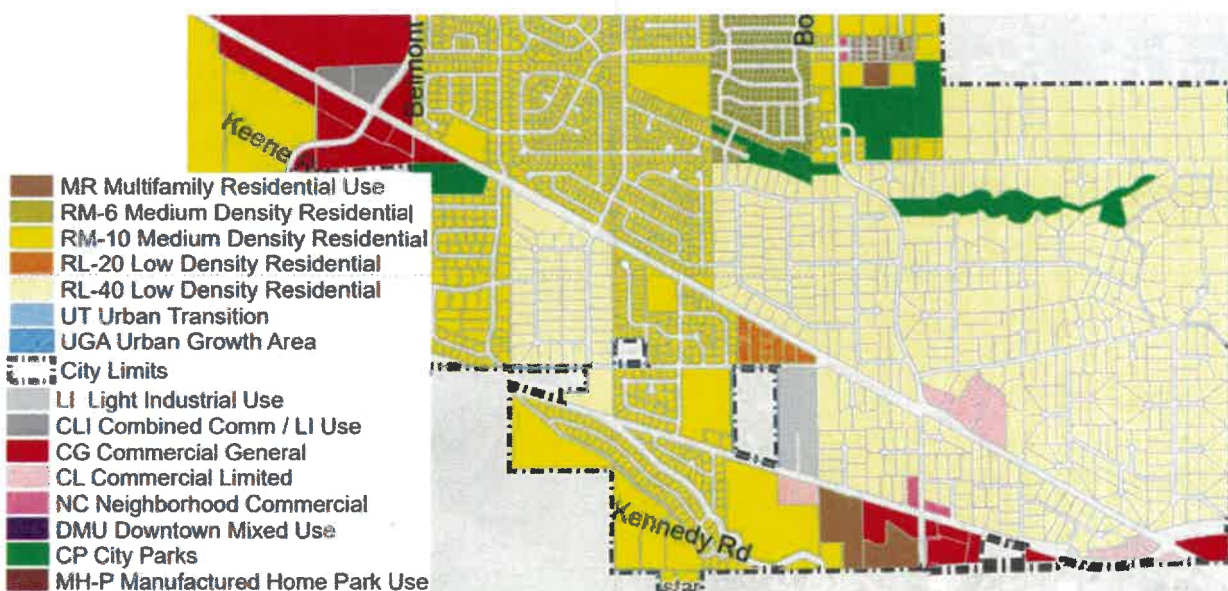
Comment: The goal and policies listed above speak to the importance of the City encouraging and maintaining adequate land base for the development of commercial services. Amending the code to allow paint booths associated with automotive collision repair services in the C-L zone will provide an additional type of businesses to locate within the C-L zone. A collision repair service and paint booth business will both provide a needed service in the community as well as add to the City's tax base.

## Responses to Questions on the Zoning Text Amendment Application Form

### The unique characteristics, if any, of the property or circumstances of the owner:

The Commercial Limited Business District is located on only a few properties found in the southern portions of the city (see figure below), including:

- 4 acres located on the northwest corner of the Intersection of Keene and Kennedy partially developed with businesses including a Mister Car Wash;
- .7 acres located at the northeast corner of intersection of Keene and Kennedy which is developed with a Roaster's Coffee;
- 3.8 acres on the south side of Kennedy Road, west of Bombing Range, partially developed with single family homes;
- 12 acres located north of Keene and east of Bombing Range, partially developed with a Kadlec Medical Clinic.



**Figure 1: C-L Zoning in West Richland**

In all four locations that the C-L district exists, it is adjacent to low density single family residential zoning. The purpose of the C-L district is to serve the surrounding community. While it's easy to conceive that a business locating immediately adjacent to a single family residence could result in impacts to that residence, the requirement for a conditional use permit that is part of this proposed text amendment would ensure that the City has an opportunity to regulate the use, based on the design and location of the proposed facility and an analysis of potential impacts to adjacent lands.

**Any hardship that may result in the event the rezone is not granted:**

There are a number of hardships that can occur for property owners within the C-L zone. First, they would be precluded from developing an effective automotive collision repair business without the ability to also operate a paint booth. The second hardship could occur when a business owner cannot find a suitable location within the City to build an automotive collision repair business and is forced to go elsewhere within the Tri-Cities. A third type of hardship would occur when City residents do not have a local service available within their community and need to seek services elsewhere. Finally, the City is disadvantaged when residents need to go outside the City for services instead of generating tax dollars locally.

**The manner in which the proposed rezone conforms to patterns in adjacent zones:**

The proposed text amendment would have limited impact on adjacent zones because the existing standards within the C-L district already require that businesses operate only within enclosed buildings and that fencing for outdoor storage areas screen adjacent properties from view. Further, the sophisticated filtration systems used in paint booths and standards imposed on paint booths by the Benton Clean Air Authority ensure that fumes generated by a paint booth are contained. Finally, the requirement for a conditional use permit enables the City to review each application separately and determine whether a particular site and site design would adequately protect adjacent properties.