



File No. EA2021-122

**CITY OF RICHLAND**  
**Determination of Non-Significance**

**Description of Proposal:** The City of Richland is proposing a text amendment to RMC Chapter 23.70 related to administrative variances. The proposed amendment adds review criteria and a process for administrative variances.

**Proponent:** City of Richland

**Location of Proposal:** City-Wide.

**Lead Agency:** City of Richland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

( ) There is no comment for the DNS.

( X ) This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen days from the date of issuance.

( ) This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

**Responsible Official:** Mike Stevens

**Position/Title:** Planning Manager

**Address:** 625 Swift Blvd., MS #35, Richland, WA 99352

**Date:** April 6, 2021

**Signature** \_\_\_\_\_



## Code Amendment Application

**Note: A Pre-Application meeting is required prior to submittal of an application.**

<b>APPLICANT</b>		<input type="checkbox"/> Contact Person
Company: City of Richland	UBI#:	
Contact: Development Services Dept.		
Address: 625 Swift Blvd., Richland, WA 99352		
Phone: (509)942-7764	Email:	

<b>DESCRIPTION OF PROPOSED AMENDMENT</b>
Proposed amendment to Chapter 23.70 relating to administrative variances, adding criteria and a process for approval / denial. The administrative (minor) variance application exists in the current code without any criteria or a clear process for review.

<b>APPLICATON MUST INCLUDE:</b>
<ol style="list-style-type: none"> <li>1. Completed application and filing fee</li> <li>2. SEPA Checklist (if necessary)</li> <li>3. Other information as determined by the Administrator</li> </ol>

<b>ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE:</b>
Section(s) of code proposed to be amended (include code citation):  Three sections of RMC Chapter 23.70 Administration, Enforcement, and Amendment: Sections 23.70.070, 23.70.080 and 23.70.110., relating to administrative variances.
Summary of requested code amendment(s):  The proposed code amendments add criteria and a process for review for administrative (minor) variances.
Reason(s) for code amendment(s):  There is not a clear process nor established review criteria for administrative variances. Staff is faced with challenges administering the existing administrative variance code section. For purposes of risk management, codified criteria for denial or approval of an application is necessary. Administrative variances could have determinantal impacts to adjacent property owners without code requirements.

Is the proposed amendment consistent with the applicable provisions of the Comprehensive Plan? Is a Comprehensive Plan amendment necessary to implement the proposed amendment?

**Yes, the proposed code amendment is consistent. No Comprehensive Plan amendment is proposed nor necessary.**

Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain:

**Yes. The existing code does not offer any grounds for denial of an administrative (minor) variance, which could have detrimental impacts on adjacent property owners.**

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. The information provided in this application contains no misstatement of fact.
2. I am an owner(s), authorized agent(s) of an owner(s), or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW, or I am exempt from the requirements of Chapter 18.27 RCW.

*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 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: Briana Gibbin

Applicant Signature:  Date 4-05-21

## **SEPA ENVIRONMENTAL CHECKLIST**

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

## **A. Background [\[HELP\]](#)**

1. Name of proposed project, if applicable:

*Proposed text amendment relating to administrative variances (RMC Chapter 23.70).*

2. Name of applicant:

*City of Richland*

3. Address and phone number of applicant and contact person:

625 Swift Blvd, Richland, WA 99352 - (509)942-7771

4. Date checklist prepared:

March 8, 2021

5. Agency requesting checklist:

City of Richland, Development Services Department

6. Proposed timing or schedule (including phasing, if applicable):

Anticipated final action on June or July 2021

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

None known.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

No additional environmental information is being prepared as a result of this proposed code amendment.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No other governmental approvals are required.

10. List any government approvals or permits that will be needed for your proposal, if known.

City Council approval of text amendment.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The proposal consists of a text amendment to RMC 23.70 relating to minor (administrative) variances. A copy of the proposed text amendment is included as an attachment. The proposal adds criteria and a process for administrative variance review.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed text amendment is a non-project action and would apply to all properties in the City.



## B. Environmental Elements [\[HELP\]](#)

### 1. Earth [\[help\]](#)

a. General description of the site:

*N/A, this is a non-project action. All future site-specific development is subject to review.*

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

*N/A, this is a non-project action.*

b. What is the steepest slope on the site (approximate percent slope)?

*N/A, this is a non-project action.*

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

*N/A, this is a non-project action.*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

*N/A, this is a non-project action.*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

*N/A, this is a non-project action.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

*N/A, this is a non-project action.*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

*N/A, this is a non-project action.*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

*None.*

### 2. Air [\[help\]](#)

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

*N/A, this is a non-project action. All future site-specific development is subject to review.*

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

*N/A, this is a non-project action.*

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

*None.*

### 3. Water [\[help\]](#)

a. Surface Water: [\[help\]](#)

**Commented [NS1]:** Please change to a consistent font with the responses in Section A (Times new roman) or change the earlier responses to go with these

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

*N/A, this is a non-project action. All future site-specific development is subject to review.*

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

*N/A, this is a non-project action.*

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

*N/A, this is a non-project action.*

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

*N/A, this is a non-project action.*

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

*N/A, this is a non-project action.*

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

*N/A, this is a non-project action.*

b. Ground Water: [help](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

*N/A, this is a non-project action. All future site-specific development is subject to review.*

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

*N/A, this is a non-project action.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

*N/A, this is a non-project action.*

2) Could waste materials enter ground or surface waters? If so, generally describe.  
*N/A, this is a non-project action.*

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.  
*N/A, this is a non-project action.*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:  
*None.*

#### 4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:  
*N/A, this is a non-project action.*

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

*N/A, this is a non-project action.*

c. List threatened and endangered species known to be on or near the site.  
*N/A, this is a non-project action.*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:  
*N/A, this is a non-project action.*

e. List all noxious weeds and invasive species known to be on or near the site.  
*N/A, this is a non-project action.*

#### 5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.



*N/A, this is a non-project action.*

Examples include:

birds: hawk, heron, eagle, songbirds, other:  
mammals: deer, bear, elk, beaver, other:  
fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

b. List any threatened and endangered species known to be on or near the site.  
*N/A, this is a non-project action.*

c. Is the site part of a migration route? If so, explain.  
*Yes, all of Richland is within the Pacific Fly Way.*

d. Proposed measures to preserve or enhance wildlife, if any:  
*NONE.*

e. List any invasive animal species known to be on or near the site.  
*N/A, this is a non-project action.*

## **6. Energy and Natural Resources** [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.  
*N/A, this is a non-project action. All future site-specific development is subject to review.*

b. Would your project affect the potential use of solar energy by adjacent properties?  
If so, generally describe.  
*N/A, this is a non-project action.*

c. What kinds of energy conservation features are included in the plans of this proposal?  
List other proposed measures to reduce or control energy impacts, if any:  
*N/A, this is a non-project action.*

## **7. Environmental Health** [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?  
If so, describe.  
*N/A, this is a non-project action. All future site-specific development is subject to review.*

1) Describe any known or possible contamination at the site from present or past uses.  
*N/A, this is a non-project action.*

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

*N/A, this is a non-project action.*

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

*N/A, this is a non-project action.*

- 4) Describe special emergency services that might be required.

*N/A, this is a non-project action.*

- 5) Proposed measures to reduce or control environmental health hazards, if any:

*None.*

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

*N/A, this is a non-project action. All future site-specific development is subject to review.*

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

*N/A, this is a non-project action.*

- 3) Proposed measures to reduce or control noise impacts, if any:

*None.*

**8. Land and Shoreline Use [\[help\]](#)**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

*N/A, this is a non-project action. All future site-specific development is subject to review.*

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

*N/A, this is a non-project action.*

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling, and harvesting? If so, how:

*N/A, this is a non-project action.*

c. Describe any structures on the site.

*N/A, this is a non-project action.*

d. Will any structures be demolished? If so, what?

*N/A, this is a non-project action.*

e. What is the current zoning classification of the site?

*N/A, this is a non-project action.*

f. What is the current comprehensive plan designation of the site?

*N/A, this is a non-project action.*

g. If applicable, what is the current shoreline master program designation of the site?

*N/A, this is a non-project action.*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

*N/A, this is a non-project action.*

i. Approximately how many people would reside or work in the completed project?

*N/A, this is a non-project action.*

j. Approximately how many people would the completed project displace?

*N/A, this is a non-project action.*

k. Proposed measures to avoid or reduce displacement impacts, if any:

*N/A, this is a non-project action.*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

*None.*

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

*None.*

## **9. Housing** [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

*N/A, this is a non-project action. All future site-specific projects will be subject to review.*

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

*N/A, this is a non-project action.*

- c. Proposed measures to reduce or control housing impacts, if any:

*N/A, this is a non-project action.*

**10. Aesthetics** [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

*N/A, this is a non-project action. All future site-specific projects will be subject to review.*

- b. What views in the immediate vicinity would be altered or obstructed?

*N/A, this is a non-project action.*

- b. Proposed measures to reduce or control aesthetic impacts, if any:

*N/A, this is a non-project action.*

**11. Light and Glare** [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

*N/A, this is a non-project action. All future site-specific projects will be subject to review.*

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

*N/A, this is a non-project action.*

- c. What existing off-site sources of light or glare may affect your proposal?

*N/A, this is a non-project action.*

- d. Proposed measures to reduce or control light and glare impacts, if any:

*N/A, this is a non-project action.*

**12. Recreation** [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

*N/A, this is a non-project action. All future site-specific projects will be subject to review.*

- b. Would the proposed project displace any existing recreational uses? If so, describe.



*N/A, this is a non-project action.*

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

*N/A, this is a non-project action.*

**13. Historic and cultural preservation** [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

*N/A, this is a non-project action. All future site-specific projects will be subject to review.*

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

*N/A, this is a non-project action.*

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

*N/A, this is a non-project action.*

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

*N/A, this is a non-project action.*

**14. Transportation** [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

*N/A, this is a non-project action. All future site-specific projects will be subject to review.*

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

*N/A, this is a non-project action.*

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

*N/A, this is a non-project action.*

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

*N/A, this is a non-project action.*

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

*N/A, this is a non-project action.*

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

*N/A, this is a non-project action.*

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

*N/A, this is a non-project action.*

- h. Proposed measures to reduce or control transportation impacts, if any:

*None.*

#### **15. Public Services** [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

*N/A, this is a non-project action.*

- b. Proposed measures to reduce or control direct impacts on public services, if any.

*N/A, this is a non-project action.*

#### **16. Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,  
other \_\_\_\_\_


*N/A, this is a non-project action.*

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

*N/A, this is a non-project action.*

### **C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:   
Name of signee Briana Gibein

Position and Agency/Organization Permit Technician, City of Richland  
Date Submitted: 4-05-21

**D. Supplemental sheet for nonproject actions** [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

*The proposed text amendment to add review criteria and a process for administrative variances will not increase discharge to water, emissions to air, projection, storage or release of toxic or hazardous substances, or production of noise. Administrative variances are permitted in RMC 23.70.080 already.*

Proposed measures to avoid or reduce such increases are:

*Future projects must comply with all local, state and federal environmental regulations.*

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

*This proposed code amendment only adds a process and criteria for approval on an existing process. These additions will not further impact plants, animals, fish and marine life.*

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

*None.*

3. How would the proposal be likely to deplete energy or natural resources?

*This proposed code amendment will not deplete energy or natural resources.*

Proposed measures to protect or conserve energy and natural resources are:

*None.*

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

*This proposed code amendment will not likely affect environmentally sensitive areas or areas designated for governmental protection.*

Proposed measures to protect such resources or to avoid or reduce impacts are:  
*Future projects must comply with all local, state and federal environmental regulations.*

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

*The proposed text amendment will not likely have a negative effect on land and shoreline use. The proposal is likely to have a positive effect on land and shoreline use; the proposal adds criteria for the review of administrative variances, providing neighboring land uses to be considered when reviewing the site-specific applications.*

Proposed measures to avoid or reduce shoreline and land use impacts are:  
*Future projects must comply with all local, state and federal environmental regulations.*

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

*The proposed text amendment will not increase demands on transportation or public services and utilities.*

Proposed measures to reduce or respond to such demand(s) are:  
*None.*

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

*No such potential conflicts have been identified.*



ORDINANCE NO. xx-21

AN ORDINANCE of the City of Richland amending Chapter 23.70 of the Richland Municipal Code Section related to Administration, Enforcement and Amendment.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to eliminate ambiguities; and

WHEREAS, RMC 23.70.080 allowed for administrative approval of minor variances by the City's administrative official; and

WHEREAS, RMC 23.70.080 is difficult to administer because it does not currently contain any criteria by which the administrative official can make a sound decision; and

WHEREAS, criteria should be added to RMC 23.70.080 to aid in its application, and ensure that arbitrary and capricious land use decisions are not made.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 23.70 of the Richland Municipal Code, entitled Administration, Enforcement, Amendment, as first enacted by Ordinance No. 28-05, and last amended by Ordinance No. 51-19, is hereby amended as follows:

**Chapter 23.70  
ADMINISTRATION, ENFORCEMENT, AMENDMENT**

**Sections:**

- 23.70.010 Administration.**
- 23.70.020 Duties of administrative official.**
- 23.70.030 Building permits – Required.**
- 23.70.040 Board of adjustment created – Membership.**
- 23.70.050 Board of adjustment – Rules of procedure.**
- 23.70.060 Board of adjustment – Powers and duties.**
- 23.70.070 ~~Administrative review~~ [Appeals to Hearing Examiner](#) – Procedures.**
- 23.70.080 ~~Administrative~~ [Minor](#) variances – [Administrative review](#).**
- 23.70.110 Variances – Applications.**
- 23.70.120 Variances – Application – Plans.**
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**23.70.010 Administration.**

The administrative official shall administer and be responsible for the enforcement of this title.

**23.70.020 Duties of administrative official.**

If the administrative official shall find that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this title to ensure compliance with or to prevent violation of its provisions.

**23.70.030 Building permits – Required.**

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued in accordance with the building code of the city of Richland. No building permit shall be issued except in conformity with the provisions of this title.

**23.70.040 Board of adjustment created – Membership.**

There is created a board of adjustment consisting of five members appointed by the city council. Members shall serve staggered terms of five years and until their successors are appointed and confirmed.

**23.70.050 Board of adjustment – Rules of procedure.**

Not less than one regular meeting shall be held in each month of each year; provided, that if no issues over which the board has jurisdiction are pending, a meeting may be cancelled.

**23.70.060 Board of adjustment – Powers and duties.**

The board of adjustment shall have the following powers and duties:

A. To hear and decide requests for reduction in the number of parking spaces required when parking is jointly shared between two or more uses;

B. To hear and decide applications for special use permits for special uses as specifically authorized under RMC 23.46.025(B) and to grant such permits when it finds that the requirements of this code specifically pertaining to such special uses are fully met. The board, in granting special use permits, may impose such additional conditions and

restrictions as are necessary to make the proposed use compatible with the other uses permitted in the particular use district or in a neighboring district;

C. To hear, decide and grant or deny variances to the regulations or restrictions contained in this title when such variances are in harmony with the general purposes and intent of this title and are in accordance with general or specific rules contained in this title.

**23.70.070 ~~Administrative review~~ Appeals to Hearing Examiner – Procedures.**

Appeal to the hearing examiner concerning interpretation or administration of this title may be taken by any person aggrieved. Such appeals shall be taken within 10 days from the date of the order, requirement, decision or determination, by filing with the administrative official and with the city clerk a notice of appeal specifying the grounds thereof, together with such fees as set forth in RMC 19.80.020. The administrative official shall transmit to the hearing examiner all papers constituting the record upon which the action appealed from was taken.

The hearing examiner shall fix a time for the hearing of the appeal, which time shall be within 45 days after the filing of the notice of appeal, and shall give 10 days' posted public notice thereof as well as notice in writing to be mailed at least 10 days before said time to the parties in interest. At the hearing, any party may appear in person or by agent or attorney.

**23.70.080 ~~Administrative~~ Minor variances – Administrative review.**

A. The administrative official may approve without notice a reduction in setback, lot width and/or depth and an increase in lot coverage and building height, none of which exceeds ten (10) percent of the standards of the zone in which the use is located. Minor variances variations shall not allow an increase in the number of dwelling units on a parcel, nor permit a reduction in lot area of any lot.

B. The minor variance may not be used to violate or invalidate any other portions of the municipal code or easements.

C. No minor variance shall be issued when there is an existing violation of this title.

D. Application. An application for a minor variance must be made in writing to the administrative official with the specific degree of variance requested and be accompanied with necessary materials for review as determined by the administrator, including but not limited to a plot plan of the property showing location and dimensions of existing and proposed improvements. The applicant must demonstrate how the proposal meets the criteria in RMC 23.70.110. The application shall be accompanied by such fees as required by RMC 19.80.010.

E. Review. The burden of proof is on the applicant. The application must be supported by clear and convincing evidence that the minor variance conforms to the applicable elements of the City's development regulations and the comprehensive plan. A minor variance shall be denied unless the applicant demonstrates with clear and convincing

evidence that the requested minor variance meets the criteria in RMC 23.70.110.

F. Decision. To grant or deny a minor variance, the administrative official shall issue a written decision stating the precise zoning requirements for which a minor variance is sought and the degree of variance, along with specific written findings showing compliance with this section and addressing the criteria in RMC 23.70.110. If granted, the administrative official's written decision shall also include a finding that the reasons set forth in the application justify granting the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or buildings. The administrative official shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

G. Denial. If the administrative official denies a minor **variance variation** request, an applicant may request approval of the variance **request** from the board of adjustment through the filing of a variance application in accordance with RMC 23.70.110.

### **23.70.110 Variances – Applications.**

A variance from the terms of this title shall not be granted by the board of adjustment unless and until a written application for variance is submitted demonstrating:

A. That special conditions and circumstances exist which are peculiar to the land, structures, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

C. That the special conditions and circumstances do not result from the actions of the applicant.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district.

### **23.70.120 Variances – Application – Plans.**

The application shall be accompanied by a report from a title insurance company showing ownership of record of the property involved, an accurate legal description of the property involved, and a list of the names and addresses of all owners of record of property within 100 feet of the proposed variance, and such fees as are required by this title. In addition, the report shall include an accurate key map showing the property involved and delineating the property within 100 feet of the proposed variance. Each parcel falling wholly or partly within the 100-foot distance shall be numbered to correspond with the ownership report.



The application shall also be accompanied by a plot plan of the property showing location and dimensions of existing and proposed improvements and proposed location of accessory facilities such as automobile parking areas. If new building construction is involved, tentative plans and sketches shall also be submitted. Where use of existing buildings is involved, a floor plan showing existing conditions and proposed changes shall be submitted.

**23.70.130 Variances – Notices – Hearings.**

Written notice of public hearing shall be addressed through the United States mail to the property owner requesting the variance and to the owners of record of all property within 100 feet of the exterior boundaries of subject property pursuant to the title insurance company report required by RMC 23.70.120. Notice of the time and place of the hearing shall also be published at least once in the official newspaper of the city. Both published and mailed notices shall be given at least 10 days in advance of the public hearing.

**23.70.140 Variances – Findings.**

The board of adjustment shall make findings that the requirements of RMC 23.70.110 have been met by the applicant for the variance. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or buildings. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**23.70.150 Variances – Limitations – Conditions.**

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

The board of adjustment shall not grant a variance under any circumstances to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title.

The board of adjustment may prescribe a time limit within which the action for which the variance is granted shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the variance. In the event that no specific time limit to begin or complete an action for which the variance is granted is identified, the action shall be completed within two years from the date the variance was granted. Said time limits may be extended by the board of adjustment for good cause shown.

**23.70.160 Decisions of the board of adjustment.**

The concurring vote of a majority of the members of the board of adjustment shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in the application of this title.

The board shall render a decision on all applications at a public meeting no later than 30 days after hearing of an application. The applicant shall be notified of the decision in writing.

**23.70.170 Appeal from board of adjustment.**

A. Appeals from variance decisions shall be made in accordance with RMC 19.70.060 (Judicial appeals).

B. Appeals from decisions on special use permits or on decisions regarding parking reduction for jointly shared parking facilities shall be made in accordance with Chapter 19.70 RMC (Closed Record Decisions and Appeals).

**23.70.180 Amendment.**

The regulations, restrictions and boundaries set forth in this title may from time to time be amended, supplemented, changed or repealed; provided, however, that no such action shall be taken until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard.

**23.70.190 Initiation of proceedings.**

Proceedings for a reclassification or an amendment to this title may be initiated by either of the following two means:

A. The verified petition of one or more persons or corporations requesting the amendment or owning property which is proposed to be reclassified shall be filed with the secretary of the planning commission. A petition for reclassification shall also be accompanied by a report from a title insurance company showing ownership of the property involved and a list of the names and addresses of all owners of property within 300 feet of boundaries of the property involved. In addition, the report shall include an accurate key map showing the property involved and delineating the property within 300 feet of the property involved. Each parcel falling wholly or partly within the 300-foot distance shall be numbered to correspond with the ownership report. The petition shall also be accompanied by such fees as are required by RMC 19.80.020;

B. On the request of the city council or by the planning commission, on its own initiative.

**23.70.200 Notice of hearing.**

Notice of public hearing consistent with the requirements of Chapter 19.40 RMC shall be published at least once in the official newspaper of the city. In addition, written notice shall be mailed to the owner or owners of the property involved, and to all property owners of record within a radius of 300 feet of the exterior areas of subject property pursuant to the title insurance company report required by RMC 23.70.190. Both published and mailed notices shall be given at least 10 days in advance of the public hearing.

**23.70.210 Public hearing and recommendation to council.**

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

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

**23.70.230 Consideration and action by council.**

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

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

The council may refer any request for reclassification or amendment back to the planning commission or hearing examiner for further review and recommendation.

**23.70.240 Appeals.**

Appeals from city council decisions on requests for reclassification or amendment shall be made in accordance with RMC 19.70.060 (Judicial appeals).

**23.70.250 Resubmission of petition.**

A petition for reclassification or amendment which has been disapproved by the council cannot be resubmitted to the city within six months of the date of disapproval, without a waiver of the council.

**23.70.270 Violations – Penalties.**

Any person who has violated any provision of this title shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation

for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

For any violation of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the above penalties for each offense.

In addition to the enforcement provisions of this section, any violation of any of the provisions of RMC 23.42.030 is declared to be a public nuisance, per se, which shall be abated by the city attorney by way of civil abatement procedures.

**23.70.280 Severability.**

If any section, subsection, sentence, clause, phrase of any portion of this title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The city council of the city of Richland hereby declares that it would have adopted this title and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 5. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 6. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Ryan Lukson, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Jennifer Rogers, City Clerk

\_\_\_\_\_  
Heather Kintzley, City Attorney

Date Published: \_\_\_\_\_