

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: CA2023-105

PREPARED BY: MIKE STEVENS
MEETING DATE: DEC. 13, 2023

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND CA2023-105

REQUEST: TEXT AMENDMENT TO RMC 23.22.040 AND RMC 23.38.080
RELATED TO INCREASING THE HEIGHT ALLOWANCE IN THE
WATERFRONT ZONE FROM 55' TO 85'.

LOCATION: CITYWIDE

REASON FOR REQUEST

The City of Richland is proposing to amend the Richland Municipal Code by amending RMC 23.22.040 to increase the maximum building height within the Waterfront Zone from 55' to 85' and by amending RMC 23.38.080 by removing the Waterfront Zone from the area in which specific height allowances are allowed.

ANALYSIS

In order to facilitate increased residential density within specific areas of the city, the City's Economic Development Division has proposed that the city amend RMC 23.22.040 to increase the maximum building height within the Waterfront Zone from 55' to 85' and remove a portion of subnote #12 which states that *"Buildings in the WF district that are not subject to the Richland Shoreline Master Program shall not exceed a height of 35 feet, unless the Planning Commission authorizes an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier."*

In addition, the code amendment also includes an amendment to RMC 23.38.080 to remove the allowance for towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures and mechanical appurtenances from being erected on a building to a height greater than the limit established within the Waterfront Zone.

Ultimately, the outcome of these code amendments would result in an overall building height allowance of 85' within the Waterfront Zone. This increased height allowance will allow taller multi-family buildings, thus leading to an increase in housing. The proposed

amendments would also result in the ability to use mass-timber framing principles, which could reduce the cost of taller buildings.

PUBLIC NOTICE/ COMMENTS

Staff provided notice of the proposed amendment to local and state agencies via SEPA review on November 2, 2023 and via separate Notice of Application on November 20, 2023. Notice of Application and Public Hearing was also published in the Tri-Cities Herald on Sunday, November 26, 2023, posted at official posting places and on the city's official website. Staff provided notice to the Washington State Dept. of Commerce and other state agencies as required by RCW 36.70A on November 2, 2023.

As of the date this staff report was written one written comment was received and is included as an attachment to this report..

SEPA

The proposal is subject to environmental review. The City of Richland issued a Determination of Non-Significance (DNS) for the proposal on November 2, 2023, no appeals of the City's DNS were received.

FINDINGS OF FACT

1. City planning staff is proposing to amend RMC 23.22.040 and RMC 23.38.080.
2. The purpose of the amendments is to increase the overall height allowance in the Waterfront Zone from 55' to 85'.
3. Notice of the proposed amendment was provided to local and state agencies. Notice was also published in the Tri-Cities Herald, posted at the official posting places and on the city's official website. Notice was provided to the Washington State Dept. of Commerce and other state agencies as required by RCW 36.70A.
4. One comment regarding the proposed code amendments was received and is included as an attachment to the staff report.
5. The Washington State Department of Commerce received the 60-day Notice of Intent to Adopt Amendment and granted expedited review.
6. The City issued a SEPA Threshold Determination of Non-Significance on November 2, 2023. No appeals of the DNS were received.

CONCLUSIONS OF LAW

1. The Planning Commission has jurisdiction to hold an open record public hearing and issue a recommendation on the proposed ordinance amendment to the City Council.
2. The proposed code amendment is consistent with the goals and policies of the City's Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (CA2023-105) and recommend to the City Council adoption of

the proposed amends to Title 23, Zoning, as provided in the draft ordinance attached to this report.

ALTERNATIVES

1. Recommend approval of the amendments as proposed;
2. Recommend approval of the amendments, as modified by the Planning Commission.
3. Recommend denial of the amendments;

RECOMMENDED MOTION – PLANNING COMMISSION

I move that the Planning Commission recommend approval of the proposed amendments to RMC Title 23 as identified in the draft ordinance. This recommendation is based upon the listed Findings of Fact and Conclusions of Law.

EXHIBITS

1. Application Materials
2. Draft Ordinance
3. SEPA DNS & SEPA Checklist
4. Department of Commerce Notice
5. Public Notice & Comments Received



Exhibit 1

City of Richland
Development Services

625 Swift Blvd. MS-35
Richland, WA 99352
509-942-7794
509-942-7764

Code Amendment Application

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

APPLICANT		Contact Person
Company: City of Richland Economic Development Division		UBI#:
Contact: Amanda Wallner		
Address: 625 Swift Blvd. MS-18 Richland, WA 99352		
Phone: 509-942-7595	Email: awallner@ci.richland.wa.us	

DESCRIPTION OF PROPOSED AMENDMENT
<p>Amend RMC 23.22.040 to increase the maximum building height within the Waterfront Zone from 55' to 85' and remove a portion of subnote #12 which states that <i>“Buildings in the WF district that are not subject to the Richland Shoreline Master Program shall not exceed a height of 35 feet, unless the Planning Commission authorizes an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.”</i></p> <p>Amend RMC 23.38.080 to remove the allowance for towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures and mechanical appurtenances from being erected on a building to a height greater than the limit established within the Waterfront Zone.</p>

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

ANSWER THE FOLLOWING AS COMPLETELY AS POSSIBLE:
<p>Section(s) of code proposed to be amended (include code citation):</p> <p>RMC 23.22.040 (Change the maximum height in the WF Zone to 85', rather than 35' or 55'). Amend RMC 23.38.080 to remove the allowance for towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures and mechanical appurtenances from being erected on a building to a height greater than the limit established within the Waterfront Zone.</p>
<p>Summary of requested code amendment(s):</p> <p>Increase the maximum building height within the Waterfront Zone from 55' to 85'. Remove the allowance for towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures and mechanical appurtenances from being erected on a building to a height greater than the limit established.</p>
<p>Reason(s) for code amendment(s):</p>

Increasing the maximum height allows for increased density and would also allow for buildings to be constructed via mass timber framing methods. Removing the extra height allowance for towers, gables, etc., will keep the maximum height consistent with the Waterfront Zone.

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. No, a Comprehensive Plan Amendment is not necessary to implement this height increase or height allowance modification.


Does the proposed amendment bear a substantial relation to the public health, safety, welfare and protection of the environment? Please explain: Yes, the State of Washington (including Richland) suffers from a lack of housings. Increasing the height allowance within the Waterfront Zone will allow taller multi-family buildings, thus leading to an increase in housing. The proposed amendment will also allow the use of mass-timber framing principles, which could reduce the costs of taller buildings.

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: Amanda Wallner

Applicant Signature: 

Date 10/26/2023

23.22.040 Site requirements and development standards for commercial use districts.

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Minimum Lot Area	None	None	None	None	None	None	None	None
Maximum Density – Multifamily Dwellings (units:square feet)	1:1,500	N/A	N/A	N/A	None	1:1,000	N/A	N/A
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	N/A	N/A	30 feet	N/A	N/A
Minimum Front Yard Setback ¹⁴	20 feet	45 feet ¹	0 feet ²	0 feet ²	CBD, Parkway, Uptown Districts: 0 feet min. – 20 feet max. ^{3,11,13} Medical District: 0 feet min.	Note 4,5	Note 4	20 feet
Minimum Side Yard Setback	0 feet ⁶	0 feet ⁷	None	None	0 feet ^{6,8}	0 feet ^{5,9}	0 feet	0 feet ^{6,8}
Minimum Rear Yard Setback	0 feet ^{6,8}	0 feet ⁷	None	None	0 feet ^{6,8}	0 feet ^{5,8,10}	0 feet	0 feet ^{6,8}
Maximum Building Height ¹⁴	55 feet	30 feet	80 feet	80 feet	CBD: 110 feet Medical: 140 feet Parkway: 50 feet Uptown: 50 feet	35/55 feet ¹² <u>85 feet</u> ¹²	35/55 feet ¹²	35 feet
Minimum Dwelling Unit Size (in square feet, excluding porches, decks, balconies and basements)	500 feet	N/A	N/A	N/A	N/A	500 feet	N/A	N/A

1. Each lot shall have a front yard 45 feet deep or equal to the front yards of existing buildings in the same C-1 district and within the same block.
2. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
3. Unless a greater setback is required by Chapter 12.11 RMC, Intersection Sight Distance.
4. Front and Side Street. No building shall be closer than 40 feet to the centerline of a public right-of-way. The setback area shall incorporate pedestrian amenities such as increased sidewalk width, street furniture, landscaped area, public art features, or similar features.
5. In the case of attached one-family dwelling units, setback requirements shall be as established for attached dwelling units in the medium-density residential small lot (R-2S) zoning district. Refer to RMC 23.18.040.
6. In any commercial limited business (C-LB), central business (CBD) or in any commercial winery (CW) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all structures:
 - a. Within the commercial limited business (C-LB), the central business district (CBD) and the commercial winery (CW) districts, buildings shall maintain at least a 35-foot setback from any property that is zoned for single-family residential use. Single-family residential zones include R-1-12 – single-family residential 12,000, R-1-10 – single-family residential 10,000, R-2 – medium-density residential, R-2S – medium-density residential small lot, or any residential planned unit development that is comprised of single-family detached dwellings.
 - b. Buildings that are within 50 feet of any property that is zoned for single-family residential use in commercial limited business (C-LB) and the commercial winery (CW) districts and buildings that are within 50 feet of any property that is zoned for and currently developed with a single-family residential use in the central business district (CBD) (as defined in footnote (6)(a)) shall not exceed 30 feet in height. Beyond the area 50 feet from any property that is zoned for single-family residential use, building height may be increased at the rate of one foot in building height for each additional one foot of setback from property that is zoned for single-family residential use to the maximum building height allowed in the C-LB, CW and CBD zoning districts, respectively.
 - c. A six-foot-high fence that provides a visual screen shall be constructed adjacent to any property line that adjoins property that is zoned for single-family residential use, or currently zoned for and developed with a single-family residential use in the CBD district. Additionally, a 10-foot landscape strip shall be provided adjacent to the fence. This landscape strip may be used to satisfy the landscaping requirements established for the landscaping of parking facilities as identified in RMC 23.54.140.
 - d. In the C-LB and CW districts, a 20-foot setback shall be provided for any side yard that adjoins a street.
7. Side yard and rear yard setbacks are not required except for lots adjoining a residential development, residential district, or a street. Lots adjoining either a residential development or residential district shall maintain a minimum 15-foot setback. Lots adjoining a street shall maintain a minimum 20-foot setback. Required side or rear yards shall be landscaped or covered with a hard surface, or a combination of both. No accessory buildings or structures shall be located in such yards unless otherwise permitted by this title.
8. No minimum required, except parking shall be set back a minimum of five feet to accommodate required landscape screening as required under RMC 23.54.140.

9. Side Yard. No minimum, except parking shall be set back a minimum of five feet, and buildings used exclusively for residences shall maintain at least one foot of side yard for each three feet or portion thereof of building height. Side yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.
10. No minimum, except parking shall be set back a minimum of five feet. Rear yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.
11. Commercial developments such as community shopping centers or retail centers over 40,000 square feet in size and typically focused around a major tenant, such as a supermarket grocery, department store or discount store, and supported with smaller “ancillary” retail shops and services located in multiple building configurations, are permitted front and street side maximum setback flexibility for the largest building. Maximum setback standards on any other new buildings may be adjusted by the planning commission as part of the alternative design review as set forth in the performance standards and special requirements of RMC 23.22.020(E)(9).
12. All buildings that are located in both the waterfront (WF) district and that fall within the jurisdictional limits of the Shoreline Management Act shall comply with the height limitations established in the Richland shoreline master program (RMC Title 26). ~~Buildings in the WF district that are not subject to the Richland shoreline master program shall not exceed a height of 35 feet, unless the planning commission authorizes an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.~~
13. Physical additions to existing nonconforming structures are not subject to the maximum front yard setback requirements.
14. The medical, uptown and parkway districts of the CBD zoning district are established as shown by Plates 23.22.040(1), (2) and (3).

PLATE NO. 1 - 23.22.040

PLATE 1



CBD - MEDICAL DISTRICT

PLATE NO. 2 - 23.22.040

PLATE 2



CBD - UPTOWN DISTRICT

PLATE NO. 3 - 23.22.040

PLATE 3



CBD - THE PARKWAY DISTRICT

[Ord. 28-05 § 1.02; Ord. 04-09; Ord. 07-10 § 1.03; amended during 2011 recodification; Ord. 32-11 § 6; Ord. 13-21 § 1; Ord. 15-21 § 2, 2021].

23.38.080 Height restrictions.

A. Towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit established in any primary district with exception of the Waterfront district.

1. No such exception shall cover more than 15 percent of the total building footprint.
2. No such exception shall be used for other than a use incidental or accessory to the main use.
3. No such exception shall exceed the building height limit by more than 25 percent.

B. A chimney, civil defense siren, church spire, flag pole, monument, radio or TV antenna or necessary government or public utility structure may be erected to a height greater than the limit established in any primary district, provided:

1. No such exception shall cover more than five percent of the total building footprint.
2. This exception shall not be applied to wireless communication facilities otherwise regulated in Chapter 23.62 RMC.

C. In any district with a height of 35 feet or less, public and quasi-public buildings, schools, churches, hospitals, and other institutions permitted in the districts may be erected to a height not exceeding 50 feet, provided the front, rear, and side yards shall be increased one foot for each one foot by which the building exceeds the height limit hereinbefore established for the district. [Ord. 28-05 § 1.02; Ord. 20-07].

Exhibit 2

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTERS 23.22 AND 23.38 OF THE RICHLAND MUNICIPAL CODE RELATED TO ZONING REGULATIONS AND HEIGHT REQUIREMENTS WITHIN THE WATERFRONT ZONING DISTRICT.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to bring it into alignment with best practices; and

WHEREAS, on December 13, 2023, the Richland Planning Commission held a public hearing on a proposed code amendment that would result in the overall height allowance in the Waterfront Zoning District to be 85 feet; and

WHEREAS, after receiving public comment, the Richland Planning Commission recommends that the Richland City Council adopt the proposed Waterfront height allowance.

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

Section 1. Richland Municipal Code Section 23.22.040, entitled site requirements and development standards for commercial use districts, as first enacted by Ordinance No. 28-05 and last amended by Ordinance No. 15-22, is hereby amended as follows:

23.22.040 Site requirements and development standards for commercial use districts.

In the following chart, development standards are listed on the vertical axis. Zoning districts are listed on the horizontal axis. The number appearing in the box at the intersection of the column and row represents the dimensional standard that applies to that zoning district.

Standard	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
Minimum Lot Area	None	None	None	None	None	None	None	None
Maximum Density – Multifamily Dwellings (units:square feet)	1:1,500	N/A	N/A	N/A	None	1:1,000	N/A	N/A
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	N/A	N/A	30 feet	N/A	N/A
Minimum Front Yard Setback ¹⁴	20 feet	45 feet ¹	0 feet ²	0 feet ²	CBD, Parkway, Uptown Districts: 0 feet min. – 20 feet max. ^{3,11,13}	Note 4,5	Note 4	20 feet

Standard	C-LB	C-1	C-2	C-3	CBD	WF	CR	CW
					Medical District: 0 feet min.			
Minimum Side Yard Setback	0 feet ⁶	0 feet ⁷	None	None	0 feet ^{6,8}	0 feet ^{5,9}	0 feet	0 feet ^{6,8}
Minimum Rear Yard Setback	0 feet ^{6,8}	0 feet ⁷	None	None	0 feet ^{6,8}	0 feet ^{5,8,10}	0 feet	0 feet ^{6,8}
Maximum Building Height ¹⁴	55 feet	30 feet	80 feet	80 feet	CBD: 110 feet Medical: 140 feet Parkway: 50 feet Uptown: 50 feet	35/55 85 feet ¹²	35/55 feet ¹²	35 feet
Minimum Dwelling Unit Size (in square feet, excluding porches, decks, balconies and basements)	500 feet	N/A	N/A	N/A	N/A	500 feet	N/A	N/A

1. Each lot shall have a front yard 45 feet deep or equal to the front yards of existing buildings in the same C-1 district and within the same block.
2. No setback required if street right-of-way is at least 80 feet in width. Otherwise, a minimum setback of 40 feet from street centerline is required.
3. Unless a greater setback is required by Chapter 12.11 RMC, Intersection Sight Distance.
4. Front and Side Street. No building shall be closer than 40 feet to the centerline of a public right-of-way. The setback area shall incorporate pedestrian amenities such as increased sidewalk width, street furniture, landscaped area, public art features, or similar features.
5. In the case of attached one-family dwelling units, setback requirements shall be as established for attached dwelling units in the medium-density residential small lot (R-2S) zoning district. Refer to RMC 23.18.040.
6. In any commercial limited business (C-LB), central business (CBD) or in any commercial winery (CW) zoning district that directly abuts a single-family zoning district, the following buffer, setback and building height regulations shall apply to all structures:
 - a. Within the commercial limited business (C-LB), the central business district (CBD) and the commercial winery (CW) districts, buildings shall maintain at least a 35-foot setback from any property that is zoned for single-family residential use. Single-family residential zones include R-1-12 – single-family residential 12,000, R-1-10 – single-family residential 10,000, R-2 – medium-density residential, R-2S – medium-density residential small lot, or any residential planned unit development that is comprised of single-family detached dwellings.

- b. Buildings that are within 50 feet of any property that is zoned for single-family residential use in commercial limited business (C-LB) and the commercial winery (CW) districts and buildings that are within 50 feet of any property that is zoned for and currently developed with a single-family residential use in the central business district (CBD) (as defined in footnote (6)(a)) shall not exceed 30 feet in height. Beyond the area 50 feet from any property that is zoned for single-family residential use, building height may be increased at the rate of one foot in building height for each additional one foot of setback from property that is zoned for single-family residential use to the maximum building height allowed in the C-LB, CW and CBD zoning districts, respectively.
- c. A six-foot-high fence that provides a visual screen shall be constructed adjacent to any property line that adjoins property that is zoned for single-family residential use, or currently zoned for and developed with a single-family residential use in the CBD district. Additionally, a 10-foot landscape strip shall be provided adjacent to the fence. This landscape strip may be used to satisfy the landscaping requirements established for the landscaping of parking facilities as identified in RMC 23.54.140.
- d. In the C-LB and CW districts, a 20-foot setback shall be provided for any side yard that adjoins a street.
7. Side yard and rear yard setbacks are not required except for lots adjoining a residential development, residential district, or a street. Lots adjoining either a residential development or residential district shall maintain a minimum 15-foot setback. Lots adjoining a street shall maintain a minimum 20-foot setback. Required side or rear yards shall be landscaped or covered with a hard surface, or a combination of both. No accessory buildings or structures shall be located in such yards unless otherwise permitted by this title.
8. No minimum required, except parking shall be set back a minimum of five feet to accommodate required landscape screening as required under RMC 23.54.140.
9. Side Yard. No minimum, except parking shall be set back a minimum of five feet, and buildings used exclusively for residences shall maintain at least one foot of side yard for each three feet or portion thereof of building height. Side yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.
10. No minimum, except parking shall be set back a minimum of five feet. Rear yards adjoining a residential district shall maintain setbacks equivalent to the adjacent residential district.
11. Commercial developments such as community shopping centers or retail centers over 40,000 square feet in size and typically focused around a major tenant, such as a supermarket grocery, department store or discount store, and supported with smaller “ancillary” retail shops and services located in multiple building configurations, are permitted front and street side maximum setback flexibility for the largest building. Maximum setback standards on any other new buildings may be adjusted by the planning commission as part of the alternative design review as set forth in the performance standards and special requirements of RMC 23.22.020(E)(9).
12. All buildings that are located in both the waterfront (WF) district and that fall within the jurisdictional limits of the Shoreline Management Act shall comply with the height limitations established in the Richland shoreline master program (RMC Title 26). ~~Buildings in the WF district that are not subject to the Richland shoreline master program shall not exceed a height of 35 feet, unless the planning commission authorizes an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is~~

~~aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.~~

13. Physical additions to existing nonconforming structures are not subject to the maximum front yard setback requirements.

14. The medical, uptown and parkway districts of the CBD zoning district are established as shown by Plates 23.22.040(1), (2) and (3).

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PLATE NO. 1 - 23.22.040

PLATE 1



CBD - MEDICAL DISTRICT

PLATE NO. 2 - 23.22.040

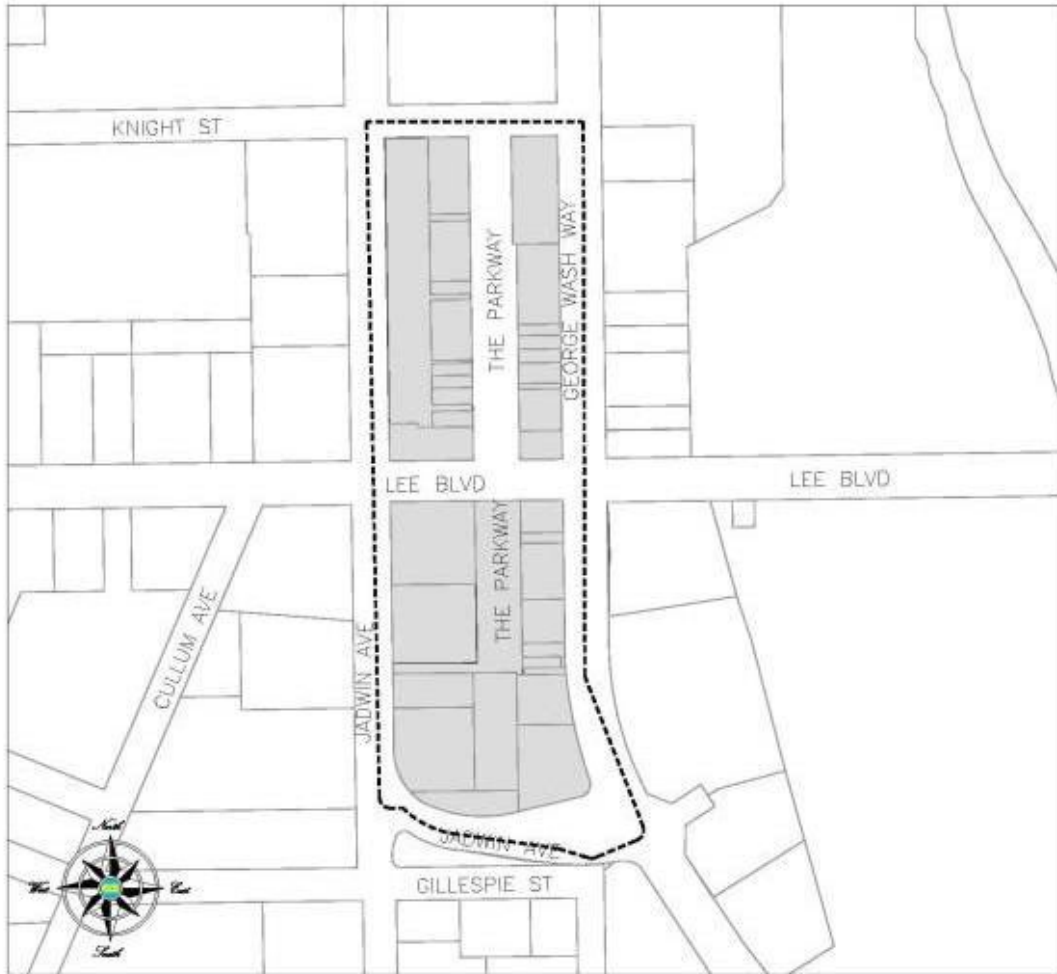
PLATE 2



CBD - UPTOWN DISTRICT

PLATE NO. 3 - 23.22.040

PLATE 3



CBD - THE PARKWAY DISTRICT

[Ord. 28-05 § 1.02; Ord. 04-09; Ord. 07-10 § 1.03; amended during 2011 recodification; Ord. 32-11 § 6; Ord. 13-21 § 1; Ord. 15-21 § 2, 2021].

Section 2. Richland Municipal Code Section 23.38.080, entitled height restrictions, as first enacted by Ordinance No. 28-05 and last amended by Ordinance No. 20-07, is hereby amended as follows:

23.38.080 Height restrictions.

A. Towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit established in any primary district **with exception of the Waterfront Zone where the overall height limit shall be 85 feet.**

1. No such exception shall cover more than 15 percent of the total building footprint.
2. No such exception shall be used for other than a use incidental or accessory to the main use.
3. No such exception shall exceed the building height limit by more than 25 percent.

B. A chimney, civil defense siren, church spire, flag pole, monument, radio or TV antenna or necessary government or public utility structure may be erected to a height greater than the limit established in any primary district, provided:

1. No such exception shall cover more than five percent of the total building footprint.
2. This exception shall not be applied to wireless communication facilities otherwise regulated in Chapter 23.62 RMC.

C. In any district with a height of 35 feet or less, public and quasi-public buildings, schools, churches, hospitals, and other institutions permitted in the districts may be erected to a height not exceeding 50 feet, provided the front, rear, and side yards shall be increased one foot for each one foot by which the building exceeds the height limit hereinbefore established for the district. [Ord. 28-05 § 1.02; Ord. 20-07].

Section 3. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 4. 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 5. 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 _____, 2024.

Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____

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Exhibit 3



File No. EA2023-129

CITY OF RICHLAND Determination of Non-Significance

Description of Proposal: The City of Richland is proposing to amend the Richland Municipal Code by amending RMC 23.22.040 to increase the maximum building height within the Waterfront Zone from 55' to 85' and by amending RMC 23.38.080 by removing the Waterfront Zone from the area in which specific height allowances are allowed.

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: November 2, 2023

Comments Due: November 17, 2023

Signature 

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 [Find help answering background questions](#)

1. **Name of proposed project, if applicable:** CA2023-105 Code Amendment for Waterfront District Maximum Height Allowance

2. **Name of applicant:** Amanda Wallner, Economic Development Manager

3. **Address and phone number of applicant and contact person:** 625 Swift Blvd. MS-18 Richland, WA 99352. (509)942-7595

4. **Date checklist prepared:** 10/26/2023

5. **Agency requesting checklist:** City of Richland Development Services Department

6. **Proposed timing or schedule (including phasing, if applicable):** RMC Code Amendment-Fall/Winter 2023

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.** No, this is a stand-alone code amendment.

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.

None.

11. Give a 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.)

Amend RMC 23.22.040 to increase the maximum building height within the Waterfront Zone from 55' to 85' and remove a portion of subnote #12 which states that *"Buildings in the WF district that are not subject to the Richland Shoreline Master Program shall not exceed a height of 35 feet, unless the Planning Commission authorizes an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier."*

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 code amendment would apply city-wide to all Waterfront Districts.

B. Environmental Elements

1. Earth [Find help answering earth questions](#)

a. **General description of the site:** Proposed text amendments would apply city-wide.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

b. **What is the steepest slope on the site (approximate percent slope)?** N/A Proposed text amendments would apply city-wide.

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.** Varies. Proposed text amendments would apply city-wide.

d. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.** Not applicable. Proposed text amendments would apply city-wide.

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.** Not applicable.

f. **Could erosion occur because of clearing, construction, or use? If so, generally describe.** Not applicable.

g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?** Not applicable.

h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any.** Not applicable.

2. Air [Find help answering air questions](#)

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. Not applicable.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. Not applicable.

c. Proposed measures to reduce or control emissions or other impacts to air, if any. Not applicable.

3. Water [Find help answering water questions](#)

a. Surface Water: [Find help answering surface water questions](#)

Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

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. Not applicable.

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. Not applicable.

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. Not applicable.

4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known. Not applicable.

5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Not applicable.

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. Not applicable.

b. Ground Water: [Find help answering ground water questions](#)

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 a general description, purpose, and approximate quantities if known. Not applicable.
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (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. Not applicable.

c. Water Runoff (including stormwater):

Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

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. Not applicable.
2. Could waste materials enter ground or surface waters? If so, generally describe. Not applicable.
3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. Not applicable.
4. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any. Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

4. Plants [Find help answering plants questions](#)

- a. Check the types of vegetation found on the site: Not applicable. City-wide text amendment.
- 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?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- c. **List threatened and endangered species known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- e. **List all noxious weeds and invasive species known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

5. Animals [Find help answering animal questions](#)

- a. **List any birds and other animals that have been observed on or near the site or are known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- c. **Is the site part of a migration route? If so, explain.** Yes, Richland is within the Pacific Fly Way.

- d. **Proposed measures to preserve or enhance wildlife, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- e. **List any invasive animal species known to be on or near the site.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

7. Environmental Health [Find help with answering environmental health questions](#)

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- 1. **Describe any known or possible contamination at the site from present or past uses.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- a. **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.** Not applicable. This is a non-project related code amendment. All future site specific

development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- b. 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- c. Describe special emergency services that might be required.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- d. Proposed measures to reduce or control environmental health hazards, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

b. Noise

Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- 1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- 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?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- 3. Proposed measures to reduce or control noise impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

- 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. Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

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 because 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? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

c. Describe any structures on the site. Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

d. Will any structures be demolished? If so, what? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

e. What is the current zoning classification of the site? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

f. What is the current comprehensive plan designation of the site? Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- g. If applicable, what is the current shoreline master program designation of the site?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- i. Approximately how many people would reside or work in the completed project?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- j. Approximately how many people would the completed project displace?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- k. Proposed measures to avoid or reduce displacement impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

9. Housing [Find help answering housing questions](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- c. **Proposed measures to reduce or control housing impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

10. Aesthetics [Find help answering aesthetics questions](#)

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- b. **What views in the immediate vicinity would be altered or obstructed?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- c. **Proposed measures to reduce or control aesthetic impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

11. Light and Glare [Find help answering light and glare questions](#)

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- b. **Could light or glare from the finished project be a safety hazard or interfere with views?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- c. **What existing off-site sources of light or glare may affect your proposal?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- d. **Proposed measures to reduce or control light and glare impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

12. Recreation [Find help answering recreation questions](#)

- a. **What designated and informal recreational opportunities are in the immediate vicinity?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- b. **Would the proposed project displace any existing recreational uses? If so, describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

13. Historic and Cultural Preservation [Find help answering historic and cultural preservation questions](#)

- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.
- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

14. **Transportation** [Find help with answering transportation questions](#)

- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- 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?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- c. **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).** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- e. **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?** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- f. **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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- g. Proposed measures to reduce or control transportation impacts, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

15. Public Services [Find help answering public service questions](#)

- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- b. Proposed measures to reduce or control direct impacts on public services, if any.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

16. Utilities [Find help answering utilities questions](#)

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

- 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.** Not applicable. This is a non-project related code amendment. All future site specific development projects will be subject to SEPA analysis if not exempt per WAC 197-11-800.

C. Signature [Find help about who should sign](#)

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: 

Type name of signee: Amanda Waller

Position and agency/organization: Economic Development Manager, City of Richland

Date submitted: 10/26/2023

D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

IT IS NOT REQUIRED to use this section 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? It is not anticipated that development authorized by the proposed code amendment would result in any increase of discharge to water, emissions to air, productions, storage, the release of toxic or hazardous substances or production of noise.

- **Proposed measures to avoid or reduce such increases are:** None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life? The proposed text amendment will not result in any detrimental impacts to plants or animals.

- **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? The proposed text amendment will not result in additional depletion of 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? The proposed text amendment will not change a development proposal's requirement to comply with all local, state, and federal environmental regulations.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:** None.

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 change a development proposal's requirement to comply with all local, state, and federal environmental regulations.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:** None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? The proposed amendment is not likely to 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. There is not a conflict as this will be consistent with Chapters 25.21 and 35A.21 RCW.



Department of Commerce

Notice of Intent to Adopt Amendment / Notice of Adoption Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

1. Jurisdiction Name:	City of Richland – Development Services Dept.
2. Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	<input type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment. <input checked="" type="checkbox"/> Request of Expedited Review / Notice of Intent to Adopt Amendment. <input type="checkbox"/> Supplemental Submittal for existing Notice of Intent to Adopt Amendment. <input type="checkbox"/> Notice of Final Adoption of Amendment.
3. Amendment Type: Select Type of Amendment listed. (Select One Only)	<input type="checkbox"/> Comprehensive Plan Amendment. <input checked="" type="checkbox"/> Development Regulation Amendment. <input type="checkbox"/> Critical Areas Ordinance Amendment. <input type="checkbox"/> Combined Comprehensive and Development Regulation Amendments. <input type="checkbox"/> Countywide Planning Policy .



Department of Commerce

<p>4. Description</p> <p>Enter a brief description of the amendment.</p> <p>Begin your description with “Proposed” or “Adopted”, based on the type of Amendment you are submitting.</p> <p>Examples: <i>“Proposed comprehensive plan amendment for the GMA periodic update.”</i> or <i>“Adopted Ordinance 123, adoption amendment to the sign code.”</i> (Maximum 400 characters).</p>	<p>Amend RMC 23.22.040 to increase the maximum building height within the Waterfront Zone from 55’ to 85’ and remove a portion of subnote #12 which states that <i>“Buildings in the WF district that are not subject to the Richland Shoreline Master Program shall not exceed a height of 35 feet, unless the Planning Commission authorizes an increase in building height to a maximum height of 55 feet, based upon a review of the structure and a finding that the proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity and that the building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.”</i></p> <p>Amend RMC 23.38.080 to remove the allowance for towers, gables, penthouses, scenery, lofts, cupolas, water tanks, similar structures and mechanical appurtenances from being erected on a building to a height greater than the limit established within the Waterfront Zone.</p>
<p>5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>6. Proposed Dates:</p> <p>Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.</p>	<p>Planning Commission: December 13, 2023</p> <p>City Council: January 2, 2024 (First Reading)</p> <p>Proposed / Date of Adoption: January 16, 2024</p>
<p>7. Contact Information:</p>	
<p>A. Prefix/Salutation: <i>(Examples: “Mr.,” “Ms.,” or “The Honorable” (elected official))</i></p>	<p>Mr.</p>
<p>B. Name:</p>	<p>Mike Stevens</p>
<p>C. Title:</p>	<p>Planning Manager</p>
<p>D. Email:</p>	<p>mstevens@ci.richland.wa.us</p>
<p>E. Work Phone:</p>	<p>(509)942-7596</p>



Department of Commerce

F. Cell/Mobile Phone: <i>(optional)</i>	
Consultant Information:	
G. Is this person a consultant?	<input type="checkbox"/> Yes
H. Consulting Firm name?	
8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	<input type="checkbox"/> Yes

REQUIRED: Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Questions? Call the review team at (509) 725-3066.



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

11/06/2023

Mr. Mike Stevens
Planning Manager
City of Richland
505 Swift Boulevard
Post Office Box 190
Richland, WA 99352

Sent Via Electronic Mail

Re: City of Richland--2023-S-6598--Request for Expedited Review / Notice of Intent to Adopt Amendment

Dear Mr. Stevens:

Thank you for sending the Washington State Department of Commerce (Commerce) the Request for Expedited Review / Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

Proposed amendment to Title 23, Zoning, specifically related to increasing the building height allowance within the Waterfront Zone.

We received your submittal on 11/03/2023 and processed it with the Submittal ID 2023-S-6598. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 01/02/2024.

You requested expedited review under [RCW 36.70A.106\(3\)\(b\)](#). We have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Steve Davenport, (360) 725-4023.

Sincerely,

Review Team
Growth Management Services

Exhibit 5

Stevens, Mike

From: WSDOT Aviation Land Use Inquiries and Application Submittals
<AviationLandUse@WSDOT.WA.GOV>
Sent: Monday, November 27, 2023 11:11 AM
To: Stevens, Mike
Subject: RE: [EXTERNAL] City of Richland Code Amendment

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

M. Stevens,

WSDOT Aviation Division reviewed these documents on 11/27/23. It does not appear that any 85' structures in this area would be problematic to the Richland Airport. We have no comments.

Cheers,

David Ison, PhD | Aviation Planner
Emerging Aviation Technologies & Land Use Compatibility
Washington State Department of Transportation
isond@wsdot.wa.gov C: 360-890-5258

From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Monday, November 20, 2023 10:56 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Anderson, Ryan (ECY) <rand461@ecy.wa.gov>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; BC Planning - Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton County Planning <Planning.Department@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrogers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; Gary Graff <gary.graff@ecy.wa.gov>; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Hogan, Jodi <jhogan@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <jmcshane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Cooper, Kelly (DOH) <Kelly.Cooper@DOH.WA.GOV>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Sliger <KSliger@bft.org>; KID Development <development@kid.org>; KID Webmaster <webmaster@kid.org>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation <Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner

<richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth DeFoe <SDefoe@kid.org>; WSDOT SC Planning Mailbox <SCPlanning@WSDOT.WA.GOV>; Davenport, Steve (COM) <Steve.Davenport@commerce.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; WSDOT Aviation Land Use Inquiries and Application Submittals <AviationLandUse@WSDOT.WA.GOV>

Subject: [EXTERNAL] City of Richland Code Amendment

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

Attached to this email is a proposed code amendment to the Richland Municipal Code. The City is proposing to amend RMC 23.22.040 to increase the maximum building height within the Waterfront Zone from 55' to 85' and amend RMC 23.38.080 by removing the Waterfront Zone from the area in which specific height allowances are allowed.

Please review and submit any comments by 5:00 PM, Wednesday, December 6, 2023.

Thank you!



Mike Stevens
Planning Manager
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7596

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Stevens, Mike

From: Daniel Tissell <DTissell@kid.org>
Sent: Tuesday, November 28, 2023 2:59 PM
To: Stevens, Mike
Subject: RE: City of Richland Code Amendment

[EXTERNAL EMAIL] Exercise caution before clicking links or opening attachments.

Mike,

KID has no comment regarding this matter.

Thanks,

Daniel Tissell, P.E.
Engineering Manager
Kennewick Irrigation District
2015 S. Ely Street
Kennewick, WA 99337
(509) 586-6012 ext. 116



From: Stevens, Mike <mstevens@CI.RICHLAND.WA.US>
Sent: Monday, November 20, 2023 10:56 AM
To: Acevedo, Mizael <macevedo@CI.RICHLAND.WA.US>; Anderson, Ryan (ECY) <rand461@ECY.WA.GOV>; Ashley Morton <AshleyMorton@ctuir.org>; Badger Mountain Irrigation District <bmidmanager@badgermountainirrigation.com>; BC Planning - Michelle Cooke <Michelle.Cooke@co.benton.wa.us>; Benton County - Segregations <Segregations@co.benton.wa.us>; Benton County Planning <Planning.Department@co.benton.wa.us>; Benton PUD, Broadband <osp@noanet.net>; Benton PUD, Electrical <engservice@bentonpud.org>; Bill Barlow <bbarlow@bft.org>; Buechler, Ken <KBuechler@CI.RICHLAND.WA.US>; Carrie Thompson <carrie.thompson@bnsf.com>; Casey Barney, Yakama Nation <Casey_Barney@Yakama.com>; Catherine Dickson <catherinedickson@ctuir.org>; Corrine Camuso, Yakama Nation <Corrine_Camuso@Yakama.com>; Hamilton, Craig <C.Hamilton@bces.wa.gov>; DAHP SEPA Reviews <sepa@dahp.wa.gov>; DAlessandro, Carlo <cdalessandro@CI.RICHLAND.WA.US>; Darrick Dietrich <darrick@basindisposal.com>; Davis, Deanna <d.davis@bces.wa.gov>; Deborah Rodgers <dxrogers@bpa.gov>; Deskins, John <jdeskins@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; Erin Hockaday <erin.hockaday@bfhd.wa.gov>; FormerOrchards@ecy.wa.gov; Gary Graff <gary.graff@ecy.wa.gov>; gis@co.benton.wa.us; Greg Wendt <greg.wendt@co.benton.wa.us>; Hester, Laura <lhester@CI.RICHLAND.WA.US>; Hill, Kelly <khill@CI.RICHLAND.WA.US>; Hogan, Jodi <jhogan@CI.RICHLAND.WA.US>; Jack Howard <jack.howard@bfhd.wa.gov>; Jason McShane <JMcShane@kid.org>; Jessica Lally, Yakama Nation <Jessica_Lally@Yakama.com>; John Lyle <john.lyle@bentoncleanair.org>; Jordon, Joshua <jojordon@CI.RICHLAND.WA.US>; Joseph Cottrell <jecottrell@bpa.gov>; Junior Campos <junior.campos@charter.com>; Katherine Cichy <katherine.cichy@ziply.com>; Kelly Cooper <kelly.cooper@doh.wa.gov>; Kevin Knodel <kevin.knodel@rsd.edu>; Kevin Slinger <KSlinger@bft.org>; Development <development@kid.org>; Matthew Berglund <MBerglund@kid.org>; Map BCES <map@bces.wa.gov>; Mattheus, Pamela <pmattheus@CI.RICHLAND.WA.US>; Michael Tovey <michael.tovey@ziply.com>; Nancy Lang <langn@bentonpud.org>; Noah Lee <noah.lee@bentoncleanair.org>; Noah Oliver, Yakama Nation

<Noah_Oliver@Yakama.com>; Orr, Bruce <borr@CI.RICHLAND.WA.US>; Paul Gonseth <gonsetp@wsdot.wa.gov>; Reathaford, Jason <JReathaford@CI.RICHLAND.WA.US>; Review Team <reviewteam@commerce.wa.gov>; Richard Krasner <richard.krasner@rsd.edu>; USPS Richland Postmaster <99352RichlandWA-Postmaster@usps.gov>; SEPA Center <sepacenter@dnr.wa.gov>; SEPA Register <separegister@ecy.wa.gov>; SEPA Unit <sepaunit@ecy.wa.gov>; Seth Defoe <SDefoe@kid.org>; South Central Region Planning <scplanning@wsdot.wa.gov>; Steve Davenport (steve.davenport@commerce.wa.gov) <steve.davenport@commerce.wa.gov>; WA Dept of Fish & Wildlife <rittemwr@dfw.wa.gov>; WDFW <R3Planning@dfw.wa.gov>; Westphal, Nichole <nwestphal@ci.richland.wa.us>; Whittier, John <jwhittier@CI.RICHLAND.WA.US>; WSDOT Aviation <AviationLandUse@wsdot.wa.gov>

Subject: City of Richland Code Amendment

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