

ORDINANCE NO. 57-19

AN ORDINANCE of the City of Richland amending Chapter 12.10 of the Richland Municipal Code related to installation of street improvements.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code to bring it into compliance with state or federal law.

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

Section 1. Chapter 12.10 of the Richland Municipal Code, entitled Installment of Street Improvements, as first adopted by Ordinance No. 390, and last amended by Ordinance No. 25-19, is hereby amended as follows:

**Chapter 12.10
INSTALLATION OF STREET IMPROVEMENTS**

Sections:

- 12.10.010** Street improvements for new construction.
- 12.10.020** Street improvements for existing improved property.
- 12.10.030** Standards of construction.
- 12.10.035** Sidewalks for new or improved streets.
- 12.10.040** Permits.
- 12.10.050** Waiver or modification.
- 12.10.060** Exemptions.
- 12.10.070** Severability.

12.10.010 Street improvements for new construction.

A. Whenever a building permit application is made for construction of a new residential or commercial structure within the city, the person seeking such permit shall also make application for a permit as provided for under this chapter, and as a portion of such construction there shall be built street improvements on all sides of such property that may adjoin property dedicated as a public street right-of-way, in conformance herewith, and such street improvements shall extend the full distance that such property is sought to be occupied as a building site for residential or commercial construction, or as parking area for commercial construction, that may adjoin property dedicated as a public street right-of-way. "Street improvements" shall include all elements needed to complete the street in conformance with city standards, including but not limited to grading of land, subgrade preparation, crushed rock base, asphalt paving, curbs, gutters, sidewalks, storm drainage, and street light improvements.

B. If there are no existing street improvements, or if the paved width of the adjacent public street does not conform to city standards in accordance with the planned roadway width, as determined by the public works director and the city's street functional classification system as established in Chapter 12.02 RMC, the application

for right-of-way construction shall include such street improvements required by the public works director to achieve conformance with current city standards.

C. The street improvement requirements of this section may be waived by the public works director when application is made for the construction of a new residential or commercial structure on a previously improved street, which previously improved street does not include sidewalks or curbs and gutters. A waiver may be granted only if all of the following conditions exist:

1. The property is in a residential zone, or is a residential nonconforming use to another zoning classification.
2. The existing street is not included as a classified arterial or collector street in the city's street functional classification system as established in Chapter 12.02 RMC.
3. The existing street does not have concrete curbs along the property frontage for the property applying for the building permit.
4. The existing street does not have concrete curbs within 300 feet of the nearest property corner to the property applying for a building permit.
5. Less than 33 percent of the properties on the same block and side as the property applying for the building permit are undeveloped.
6. Construction of sidewalks along the property applying for the permit would result in no more than 20 percent of the frontage along the same side of the block including sidewalk.

If the above conditions are met, the public works director may grant a waiver to the requirements in this section subject to the property owner committing to fully fund and/or complete the improvements required under this section when the city forms a local improvement district to make these improvements or when development activity will result in at least 50 percent of the street frontage completing the improvements called for in this section. The property owner's commitment shall be in a form provided by the city and recorded against the property prior to occupancy of the site improvements.

12.10.020 Street improvements for existing improved property.

Whenever a building permit application is made for alterations or repairs to an existing building or structure on residential or commercial property within the city, the person seeking such a permit shall install improvements as required in RMC 12.10.010, except that the requirements for installation of such improvements shall be waived if one of the following criteria is met:

- A. The total alterations or repairs to an existing residential building or structure are less than 50 percent of the assessed valuation as determined by the Benton County assessor;

B. The total alterations or repairs to an existing commercial building or structure are less than 30 percent of the assessed valuation as determined by the Benton County assessor; or

C. The alterations or repairs to the existing structure have no nexus to any articulable public impact as determined by the public works director or designee.

12.10.030 Standards of construction.

All street improvements shall be constructed in accordance with city standards as established by the public works director. All sidewalks required to be constructed pursuant to the provisions of this chapter shall be five feet in width; provided, that C-2 and C-3 zones adjacent to a principal or minor arterial shall be eight feet in width if the sidewalk is constructed directly adjacent to the curb or six feet in width if constructed with a minimum of two feet separation from the curb; and all sidewalks within the CBD zone shall be at least eight feet in width, except Guyer Avenue, Corondolet Drive, Stevens Drive north of Marjorie Sutch Greenway and Harding Street, which shall be five feet in width. Except where identified in the Horn Rapids Industrial Master Plan, curb and gutters are not required to be constructed in industrial zoning districts. Sidewalks required to be constructed in industrial zoning districts may, as an alternative, consist of a widened, delineated hot mix asphalt (HMA) shoulder with restricted parking or a separated HMA pathway as approved by the public works director.

A. If sidewalks are present and at least four (4) feet wide, widening to achieve a width of five (5) feet is not required.

B. If the City's Comprehensive Plan or Six-Year Transportation Improvement Plan includes a bicycle and/or pedestrian facility adjacent to the improved property, the applicant shall construct the portion of the City's planned improvement project adjacent to its property in lieu of the improvements specified above.

12.10.035 Sidewalks for new or improved streets.

Whenever any street is constructed or improved in any area of the city zoned residential or commercial, whether such construction be by local improvement or otherwise, as a part of such construction or improvement there shall be included therein, on both sides of any such street that may abut on previously developed property, sidewalks, curbs, and gutters constructed in conformity with requirements of this chapter.

A. Sidewalks may be required on only one side of streets upon a determination by the public works director that occupied parcels are anticipated on only one side of the street, or when access is limited on one side of the street. In such a case, the street shall include sidewalk and intersection designs that establish connectivity to sidewalks on intersecting streets as required by the public works director.

B. The provisions of this section may be waived by the public works director upon a determination that implementing the provisions of this section would adversely impact existing development adjacent to the street and that waiving these provisions would not

adversely affect the uniform construction of sidewalks, curbs and gutters in the general area of the construction or improvement.

12.10.040 Permits.

Before constructing street improvements, a permit shall be obtained in the same manner as is provided in Chapter 12.08 RMC.

12.10.050 Waiver or modification.

The public works director or duly authorized representative may waive the requirements of this chapter upon a determination by the public works director that the street is scheduled to be improved with curbs, gutters, and sidewalks by a publicly funded improvement within the coming three years, as indicated by the six-year street improvement program and capital improvement plan. The public works director or designee may modify the requirements of this chapter such that mitigation for new construction or for alterations or repairs to existing improved property is roughly proportional to the potential impacts of the proposed development.

12.10.060 Exemptions.

The following streets, or portions of streets, are exempt from the requirements of RMC 12.10.010 and 12.10.020:

- A. Geneva Street west of Georgia Avenue.
- B. Carson Street.
- C. Denver Street.
- D. The south side of Aaron Drive between Jadwin Avenue and Adams Street.

12.10.070 Severability.

The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this chapter to any person or circumstance shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.

Section 2. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. 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.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of December, 2019.


ROBERT J. THOMPSON
Mayor

ATTEST:


TONI FULTON, Acting Deputy City Clerk

APPROVED AS TO FORM:


HEATHER KINTZLEY, City Attorney

Date Published: December 8, 2019