



Agenda
City Council Regular Meeting
Tuesday, December 19, 2023
Richland City Hall Council Chambers
625 Swift Boulevard

City Council Regular Meeting - 6:00 p.m.

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Presentations:

1. Recognizing Public Works with Street Light Energy Efficiency Savings
 - Clint Whitney, Energy Services Director

Public Hearing: Please limit public hearing comments to 3 minutes. Comments must speak only to the item for which the hearing is convened. Records intended for Council consideration must be given to the City Clerk for distribution.

2. Proposed Amendment to RMC Title 26: Shoreline Management, Ordinance No. 2023-35

Public Comments: Please limit public comments to 2 minutes. The public comment period is not an opportunity for dialogue with councilmembers, or for posing questions with the expectation of an immediate answer. Many questions require an opportunity for information-gathering and deliberation. For this reason, Council will accept comments, but will not directly respond to comments, questions or concerns during public comment. Records intended for Council consideration must be given to the City Clerk for distribution.

Consent Calendar: Items on the Consent Calendar have been distributed to the City Council in advance for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no discussion. Councilmembers may transfer individual items to Items of Business for deliberation before voting.

Minutes:

3. Approval of the December 5, 2023 City Council Regular Meeting Minutes
 - Jennifer Rogers, City Clerk

Ordinances - First Reading:

4. Ordinance No. 2023-33, Dedicating the Right-of-Way for a Segment of Malbec Avenue
 - Pete Rogalsky, Public Works Director
5. Ordinance No. 2023-34, Approving the 2027 Council Compensation Plan
 - Lacey Paulsen, Human Resources Director

Ordinances - Second Reading & Passage:

6. Ordinance No. 2023-30, Amending Chapter 2.28 of the Richland Municipal Code related to the City's Personnel Plan
 - Lacey Paulsen, Human Resources Director

7. Ordinance No. 2023-31, Amending the 2023 Budget in the General Fund, City Streets Fund, Special Lodging Assessment Fund, Public Safety Sales Tax Fund, Broadband Fund, Equipment Replacement Fund, and Workers Compensation Fund
 - Brandon Allen, Finance Director
8. Ordinance No. 2023-32, Annexing 1.83 Acres Located at 24907 Dallas Road (Short Plat 793, Lot 3)
 - Kerwin Jensen, Development Services Director

Resolutions - Adoption:

9. Resolution No. 2023-186, Approving a Purchase and Sale Agreement with Lambert Properties, LLC for 150 Keene Road
 - Kerwin Jensen, Development Services Director
10. Resolution No. 2023-187, Awarding 2024 Business License Reserve Fund Grants
 - Kerwin Jensen, Development Services Director
11. Resolution No. 2023-188, Authorizing a Reimbursable Agreement with Bonneville Power Administration for Preliminary Engineering Activities and Facilities Study of Transmission Interconnection Request No. L0534 - Atlas Agro
 - Clint Whitney, Energy Services Director
12. Resolution No. 2023-189, Authorizing Award of Bid to Layne of Washington, Inc. for 2024 Pump Maintenance and Repair
 - Pete Rogalsky, Public Works Director
13. Resolution No. 2023-190, Adopting the 2024 Fee Schedule
 - Brandon Allen, Finance Director
14. Resolution No. 2023-191, Accepting Two Cybersecurity Grants in the amount of \$190,000 from the State of Washington and Local Cybersecurity Grant Program
 - Drew Florence, Assistant City Manager
15. Resolution No. 2023-192, Approving the 2024 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan
 - Jon Amundson, City Manager
16. Resolution No. 2023-193, Authorizing a Memorandum of Understanding with the Port of Benton for a Future Cooperative Property Exchange
 - Joe Schiessl, Deputy City Manager

Items - Approval:

17. Authorizing an Increase to the City Manager's Annual Salary for Calendar Year 2024
 - Lacey Paulsen, Human Resources Director

Expenditures - Approval:

18. Expenditures from November 1, 2023 to November 30, 2023 for \$29,987,044.80 including Travel Check Nos. 20438-20453, Accounts Payable Check Nos. 317044-318083, Accounts Payable Wire Nos. 9797-9838, Payroll Wires & ACH Nos. 13675-13724, Payroll Direct Deposit & Check Nos. 215624-216781, and Pension Check Nos. 6610-6632
 - Brandon Allen, Finance Director

Special Recognition and Intermission:

19. Proclamation with Plaque for Mayor Christensen (15 minute intermission to follow)

Items of Business:

20. Ordinance No. 2023-35, Amending Title 26 of the Richland Municipal Code regarding Shoreline Management
 - Kerwin Jensen, Development Services Director

Reports and Comments:

1. City Manager
2. City Council
3. Mayor

Adjournment

This meeting will be broadcast live on [CityView Channel 192](#) on the City's website and on the [City's YouTube Channel](#).

Richland City Hall is ADA accessible. Any individual who has difficulty attending the meeting in-person may request to provide comments remotely. (Ch. 42.30 RCW) Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Presentations

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Recognizing Public Works with Street Light Energy Efficiency Savings

Department/Office

Energy Services

Ordinance/Resolution Number:

Document Type:

Presentation

Recommended Motion:

None.

Summary:

The City of Richland completed an upgrade of existing streetlights to energy efficient light emitting diode (LED) streetlights on May 18, 2023.

The 5,500 previous streetlights were a collection of high-pressure sodium (HPS), mercury vapor (MV), metal halide (MH), and first-generation LED fixtures with wattages ranging from 70 to 400 Watts that were replaced with wattages ranging from 45 to 100 Watts.

The LED conversion will have an annual savings of 2,433,137 kWh and reduce demand by 555 kW. This corresponds to an annual savings of \$141,335 and an energy efficiency payment to Public Works of \$198,950.

Fiscal Impact:

The fiscal impact is neutral with operational & maintenance costs reduced from annual energy savings.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Minutes

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Approval of the December 5, 2023 City Council Regular Meeting Minutes

Department/Office
City Clerk

Ordinance/Resolution Number:

Document Type:
Minutes

Recommended Motion:

Approve the meeting minutes from the City Council regular meeting held on December 5, 2023.

Summary:

Draft minutes from the December 5, 2023 City Council regular meeting are presented for Council's consideration and approval.

Fiscal Impact: None.

Attachments:

- I. Draft December 5, 2023 City Council Regular Meeting Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, December 5, 2023

Richland City Hall ~ Council Chambers
625 Swift Boulevard

City Council Regular Meeting - 6:00 p.m.

Mayor Christensen called the Council meeting to order at 6:00 p.m.

Welcome and Roll Call

Mayor Christensen welcomed those in the audience and expressed appreciation for their attendance.

Attendance: Mayor Christensen	Present
Mayor Pro Tem Richardson	Present
Councilmembers Jones	Absent
Councilmember Kent	Present
Councilmember Lukson	Present
Councilmember VanDyke	Present (via Zoom)
Councilmember Whitten	Present

MAYOR PRO TEM RICHARDSON MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO EXCUSE COUNCILMEMBER JONES. MOTION CARRIED 6-0.

Also present were City Manager Amundson, Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Fire Chief Huntington, Acting Chief of Police Neher, Public Works Director Rogalsky, Energy Services Director Whitney, Finance Director Allen, Human Resources Director Paulsen, Development Services Director Jensen, and City Clerk Rogers.

Pledge of Allegiance

Mayor Christensen led the Council and audience in the Pledge of Allegiance.

Approval of Agenda

MAYOR PRO TEM RICHARDSON MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 6-0.

Presentations

1. New Hires and Retirements

The City welcomed five (5) new employees to the City of Richland in November 2023:

- Kelly Sorenson, Parks & Recreation Aide, Parks & Public Facilities Department
- Quinn Gianarelli, Engineering Technician II, Public Works Department
- Tyler Junt, Emergency Dispatcher, Benton County Emergency Services
- Brittney Lopez, Customer Service Supervisor, Finance Department
- Ricardo Arellano, Equipment Technician I, Administrative Services Department

Highlighted in the video was Officer Calvin Nash, who retired after twenty-nine (29) years of service with the Richland Police Department.

Public Hearing

City Clerk Rogers read the Public Hearing and Public Comments procedures.

2. Public Hearing on Rules Related to City Employment: Adopting the Proposed 2024-2026 Collective Bargaining Agreement with the International Brotherhood of Electrical Workers Local Union No. 77 (Resolution No. 2023-184); Amending the Compensation Plan for Unaffiliated Employees - 2024 and Continuing (Resolution No. 2023-185); Amending Chapter 2.28 RMC related to the City's Personnel Plan (Ordinance No. 2023-30)

Mayor Christensen opened and closed the public hearing at 6:06 p.m. No testimony was offered.

3. Proposed Amendment to the 2023 Budget in the General Fund, City Streets Fund, Special Lodging Assessment Fund, Public Safety Sales Tax Fund, Broadband Fund, Equipment Replacement Fund, and Workers Compensation Fund, Ordinance No. 2023-31

Mayor Christensen opened and closed the public hearing at 6:07 p.m. No testimony was offered.

4. Proposed Annexation and Zoning of 1.83 Acres Located at 24907 Dallas Road, Ordinance No. 2023-32

Mayor Christensen opened and closed the public hearing at 6:07 p.m. No testimony was offered.

5. Proposed Relinquishment of a Utility Easement at 1012 Country Court, Resolution No. 2023-183

Mayor Christensen opened and closed the public hearing at 6:07 p.m. No testimony was offered.

Public Comments

The following individual provided public comments:

Darin Sweeney - 2836 Truman Court, Richland, WA: Mr. Sweeney provided favorable comments in support of Ordinance No. 2023-09, Amending Chapter 12.03 of the Richland Municipal Code related to Transportation Impact Fees.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

AT THE CONCLUSION OF READING OF THE CONSENT CALENDAR, COUNCILMEMBER WHITTEN ASKED TO MOVE RESOLUTION NO. 2023-184 (ITEM NO. 14) TO ITEMS OF BUSINESS. MAYOR CHRISTENSEN RELOCATED ITEM NO. 14 TO ITEM NO. 22 UNDER ITEMS OF BUSINESS.

MAYOR CHRISTENSEN MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS AMENDED. MOTION CARRIED 6-0.

Minutes

6. Approval of the November 21, 2023 City Council Regular Meeting Minutes

Ordinances - First Reading

7. Ordinance No. 2023-30, Amending Chapter 2.28 of the Richland Municipal Code related to the City's Personnel Plan

Ordinances - Second Reading & Passage

See Ordinance No. 2023-09 on Items of Business

Resolutions - Adoption

8. Resolution No. 2023-177, Authorizing Award of Bid to DGR Grant Construction, Inc. for West Village Park Phase I - Rebid
9. Resolution No. 2023-178, Authorizing a Second Amendment to the Retail Water Service Area Agreement with Badger Mountain Irrigation District
10. Resolution No. 2023-179, Approving 2024 Hotel/Motel Lodging Tax Funding Awards
11. Resolution No. 2023-180, Adopting the City of Richland 2024-2026 Strategic Plan
12. Resolution No. 2023-181, Authorizing a Grant Application to the Washington Association of Sheriffs and Police Chiefs (WASPC) Traffic Safety Committee for a Traffic Safety Grant

13. Resolution 2023-182, Authorizing a Memorandum of Understanding with Atlas Agro AG for Future Provision of Electric Service
14. Resolution No. 2023-184, Approving the 2024-2026 Collective Bargaining Agreement with the International Brotherhood of Electrical Workers Local Union No. 77 **(RELOCATED TO ITEMS OF BUSINESS AS ITEM NO. 22)**
15. Resolution No. 2023-185, Amending the Compensation Plan for Unaffiliated Employees - 2024 and Continuing

Items - Approval

None.

Items of Business

16. Ordinance No. 2023-09, Amending Chapter 12.03 of the Richland Municipal Code related to Transportation Impact Fees (Second Reading)

Public Works Director Rogalsky announced that this ordinance was presented to Council for a first reading on June 6, 2023. At Council's direction, staff engaged in further dialog with affected stakeholders to answer questions and consider the approach to implementing the updated transportation impact fee program.

Additionally, staff engaged Transpo Group, a traffic engineering firm, to conduct a third-party review of the City's traffic impact fee program. Public Works Director Rogalsky turned the floor over to Chris Comeau of Transpo Group to provide an overview of the tasks completed, a summary of key findings, and proposed recommendations resulting from the review and audit. Detailed information can be found in the presentation included in the agenda packet.

In conclusion, Public Works Director Rogalsky highlighted the revised fee proposal, criteria for low-income housing exemptions, latecomer agreement provisions, fees indexed to construction cost inflation, and the results of the large retail development case study.

Council thanked Public Works Director for embracing the feedback provided during the first reading of Ordinance No. 2023-09, which led to a more comprehensive, transparent, and uniform program.

MAYOR CHRISTENSEN MOVED AND MAYOR PRO TEM RICHARDSON SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2023-09, AMENDING CHAPTER 12.03 OF THE RICHLAND MUNICIPAL CODE RELATED TO TRANSPORTATION IMPACT FEES. THOSE IN FAVOR: MAYOR CHRISTENSEN, MAYOR PRO TEM RICHARDSON, AND COUNCILMEMBERS KENT, LUKSON, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

17. Ordinance No. 2023-31, Amending the 2023 Budget in the General Fund, City Streets Fund, Special Lodging Assessment Fund, Public Safety Sales Tax Fund, Broadband Fund, Equipment Replacement Fund, and Workers Compensation Fund

Finance Director Allen provided an overview of the proposed budget amendments. Ordinance No. 2023-31 will add \$2,103,048 in appropriations to the 2023 Budget. Of this amount, \$555,981 is from new revenue sources and \$1,547,067 is from fund balance.

COUNCILMEMBER WHITTEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2023-31, AMENDING THE 2023 BUDGET IN THE GENERAL FUND, CITY STREETS FUND, SPECIAL LODGING ASSESSMENT FUND, PUBLIC SAFETY SALES TAX FUND, BROADBAND FUND, EQUIPMENT REPLACEMENT FUND, AND WORKERS COMPENSATION FUND FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR CHRISTENSEN, MAYOR PRO TEM RICHARDSON, AND COUNCILMEMBERS KENT, LUKSON, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

18. Ordinance No. 2023-32, Annexing 1.83 Acres Located at 24907 Dallas Road (Short Plat 793, Lot 3)

Development Services Director Jensen stated that the property owner of 1.83 acres located at 24907 Dallas Road submitted an annexation request in order to connect to the City's water system. The Richland Planning Commission conducted a public hearing on March 22, 2023 and determined that R-1-10 (single-family residential) zoning represents the most appropriate zoning designation for the proposed annexation area, as it would be most consistent with the City's Comprehensive Plan and existing development pattern within the proposed annexation area.

Councilmember Kent inquired if the annexation applicant owns the property located south of the property proposed for annexation. Development Services Director Jansen advised that it is a different parcel and believes it to be under separate ownership.

Councilmember Whitten noted that according to the annexation application, neighboring property owners expressed no desire to be included in the proposed annexation.

MAYOR CHRISTENSEN MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2023-32, ANNEXING 1.83 ACRES LOCATED AT 24907 DALLAS ROAD (SHORT PLAT 793, LOT 3) FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR CHRISTENSEN, MAYOR PRO TEM RICHARDSON, AND COUNCILMEMBERS KENT, LUKSON, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

19. Resolution No. 2023-183, Authorizing Relinquishment of a Utility Easement at 1012 Country Court

Public Works Director Rogalsky stated property owners of 1012 Country Court have requested the relinquishment of a certain portion of an easement to accommodate the construction of a new home. The easement is no longer needed for municipal purposes as the utilities have been relocated to an alternate location for the City's use.

MAYOR CHRISTENSEN MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO APPROVE RESOLUTION NO. 2023-183, AUTHORIZING RELINQUISHMENT OF A UTILITY EASEMENT AT 1012 COUNTRY COURT. MOTION CARRIED 6-0.

22. Resolution No. 2023-184, Approving the 2024-2026 Collective Bargaining Agreement with the International Brotherhood of Electrical Workers Local Union No. 77 (FORMERLY ITEM NO. 14 ON THE CONSENT CALENDAR)

As a member of IBEW Local Union No. 77, Councilmember Whitten recused himself from participating in Council's deliberation of Resolution No. 2023-184 and exited the Council Chambers until the item was concluded.

MAYOR CHRISTENSEN MOVED AND COUNCILMEMBER LUKSON SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2023-184, APPROVING THE 2024-2026 COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION NO. 77. MOTION CARRIED 5-0.

Councilmember Whitten rejoined the meeting after the vote concluded on Item No. 22.

Reports and Comments

City Manager

City Manager Amundson announced that Council approved the City of Richland 2024-2026 Strategic Plan on tonight's consent agenda. City Manager Amundson thanked Council for their work and support on the Plan's development. The eighteen-month development process resulted in the creation of five (5) new strategic priorities that reflect Council's priorities. City Manager Amundson added that the established priorities cannot be realized without the engagement of all employees.

City Council

Councilmember Kent thanked City Manager Amundson and staff for their work on the 2024 Budget and the 2024-2026 Strategic Plan. Councilmember Kent commended City Manager Amundson for including other key staff members in the strategic planning process.

Next, Councilmember Kent complimented the Lodging Tax Advisory Committee's selection of diverse activities to receive 2024 hotel/motel lodging tax funding awards.

Councilmember Lukson thanked Council and staff for their work in developing a strategic plan to capture and implement Council's vision and goals, adding that in his opinion, it is the most detailed strategic plan to date. Councilmember Lukson then stated that he looks forward to receiving periodic updates on the goals established.

Councilmember VanDyke thanked staff for their work on the 2024 Budget and the 2024-2026 Strategic Plan.

Councilmember Whitten thanked staff for their work on the 2024-2026 Strategic Plan and looks forward to the execution of the plan in the coming years. Councilmember Whitten also expressed his pleasure in participating in Richland's annual Winter Wonderland event on December 1, 2023 held at John Dam Plaza.

Mayor Pro Tem Richardson thanked Public Works Director Rogalsky for his work on the updated transportation impact fees in Ordinance No. 2023-09. Next, Mayor Pro Tem Richardson thanked City Manager Amundson and Deputy City Manager Schiessl for hosting several Pancakes & Priorities events as a way to introduce the 2024-2026 Strategic Plan city-wide.

Lastly, Mayor Pro Tem Richardson thanked all staff who participated in the successful Winter Wonderland opening weekend event and added that she received positive feedback from numerous attendees who had a great experience.

Mayor

Mayor Christensen thanked staff for their outstanding effort on the successful Winter Wonderland event and noted that the event was well-attended this year. Mayor Christensen also spoke positively about the different groups invited to help develop the 2024-2026 Strategic Plan.

Executive Session

23.Executive Session Per RCW 42.30.110(l)(g): Review Performance of a Public Employee (60 minutes)

RICHLAND CITY COUNCIL CONVENED IN EXECUTIVE SESSION FOR 60 MINUTES BEGINNING AT 7:03 P.M.

Those present in executive session included Mayor Christensen, Mayor Pro Tem Richardson, and Councilmembers Kent, Lukson, VanDyke and Whitten. Also present was City Attorney Kintzley. City Manager Amundson joined the executive session at 7:53 p.m. and remained until it concluded.

COUNCIL EXITED EXECUTIVE SESSION AT 8:03 P.M.

Adjournment

Mayor Christensen adjourned the meeting at 8:03 p.m.

APPROVED:

ATTEST:

Terry Christensen, Mayor

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Ordinances - First Reading

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Ordinance No. 2023-33, Dedicating the Right-of-Way for a Segment of Malbec Avenue

Department/Office
Public Works

Ordinance/Resolution Number:
2023-33

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2023-33, accepting a dedication deed and dedicating the right-of-way for a segment of Malbec Avenue.

Summary:

The City of Richland owns and manages a system of public street rights-of-way for the benefit of city residents. The City receives dedications of new public street rights-of-way through land development activity or by ordinance. Most often, new rights-of-way are acquired through final platting of subdivisions. Occasionally, rights-of-way are acquired through a deed, which is then followed by dedication by ordinance.

A developer in the Badger Mountain South area has constructed a segment of Malbec Avenue to existing city street standards between Corvina Street and Ava Way (the "Project"). This segment of Malbec Avenue was not included in the boundaries of a preliminary plat and therefore cannot be dedicated as part of the final plat action.

The Project is complete, and the property owner intends to dedicate it to the City in order to satisfy the City's development requirements. The property owner has executed a right-of-way dedication deed, reviewed and approved by the City, for Malbec Avenue. In order for this segment of street to be added to the City's right-of-way inventory, it must be dedicated by ordinance. Doing so will help complete the public street network in the Badger Mountain South area.

Staff recommends approval of Ordinance No. 2023-33 for first reading, by title only.

Fiscal Impact: None.

Attachments:

I. Ordinance No. 2023-33

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-07
Richland, WA 99352

ORDINANCE NO. 2023-33

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
ESTABLISHING AND DEDICATING THE RIGHT-OF-WAY FOR
A SEGMENT OF MALBEC AVENUE.**

WHEREAS, the City owns and manages a system of public street rights-of-way for the benefit of the City's residents and visitors; and

WHEREAS, the City may receive dedications of new public street rights-of-way through land development activity or by ordinance; and

WHEREAS, the City requires the construction of various roads to service the properties as a part of the master plan for Badger Mountain South; and

WHEREAS, a developer has constructed a segment of Malbec Avenue to existing city street standards between Corvina Street and Ava Way (the "Project"), which is not included within the boundaries of a preliminary plat; and

WHEREAS, the Project is complete and the property owner wishes to dedicate it to the City in order to satisfy the City's development requirements; and

WHEREAS, the property owner has executed a right-of-way dedication deed, reviewed and approved by the City, for Malbec Avenue; and

WHEREAS, the City’s best interests are served by accepting the dedication of Malbec Avenue to support the orderly development of nearby properties.

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

Section 1. The City Manager is hereby authorized to sign, execute, and record with the Auditor of Benton County, Washington, a right-of-way dedication deed in substantially the form attached hereto as **Exhibit C**, dedicating the Malbec Avenue right-of-way.

Section 2. The Malbec Avenue right-of-way, described in the attached **Exhibit A** and depicted in the attached **Exhibit B**, is hereby dedicated as a public right-of-way.

Section 3. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached Exhibits, duly certified by the Clerk as a true copy.

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

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

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

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the _____ day of _____, 2024.

Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____

Exhibit A
Legal Description

A 60-foot Right of Way situate in a portion of the Northwest quarter of Section 32, Township 9 North, Range 28 East, Willamette Meridian, City of Richland, Benton County, Washington, described as follows:

Commencing at the Northeast Corner of that Parcel described in Statutory warranty deed, recorded in Auditors File Number 2017-031122 records of said County, also being in the Northwesterly line of the plat of Goose Ridge Estates Phase 1 recorded in Auditors File Number 2020-035566 records of said County, and the **True Point of Beginning**;

Thence southwesterly along the Southeasterly line of said Parcel and Northwesterly line of said Plat in Auditors File Number 2020-035566, South 22°46' 58" West 349.47 feet to a non-tangent curve to the northwest having a radius of 430.00 feet and from which the long cord bears South 43°36'07" West a distance of 305.66 feet to a point in the Northwesterly line of the plat of West Vineyard Phase 2 recorded in Auditors File Number 2021-029647;

Thence southwesterly along arc and the Southeasterly line of said Parcel and the Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 through a central angle of 41° 38'18" a distance of 312.49 feet;

Thence along the Southeasterly line of said Parcel and Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 South 64°25'16" West 11.42 feet;

Thence leaving the Northwesterly line of said plat recorded in Auditors File Number 2021-029647 and continuing along the Southeasterly line of said Parcel South 64°25'16" West 23.30 feet to the Northeast margin of Ava Way and a non-tangent curve concave to the southwest having a radius of 660.00 feet and from which the long cord bears North 24° 45' 49" West 60.01 feet;

Thence Northwesterly along arc and Northeast margin of Ava Way through a central angle 5°12'40" a distance of 60.03 feet;

Thence leaving said Northeast margin of Ava Way North 64°25'16" East 33.87 feet to a non-tangent curve to northwest having a radius of 370.00 feet and from which the long cord bears North 43°36'07" East a distance of 263.01 feet;

Thence northeasterly along arc through a central angle of 41°38'18" 268.89 feet;

Thence North 22°46'58" East 354.59 feet to the Northeast line of said Parcel and Southwest line of the Plat West Vineyard 1 Phase 1, recorded in Auditors File Number 2013-010783 records of said County;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County South 21°35'03" East 7.16 feet;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County, South 67°13'02" East 55.00 feet to the **True Point of Beginning**;

Exhibit B
Depiction

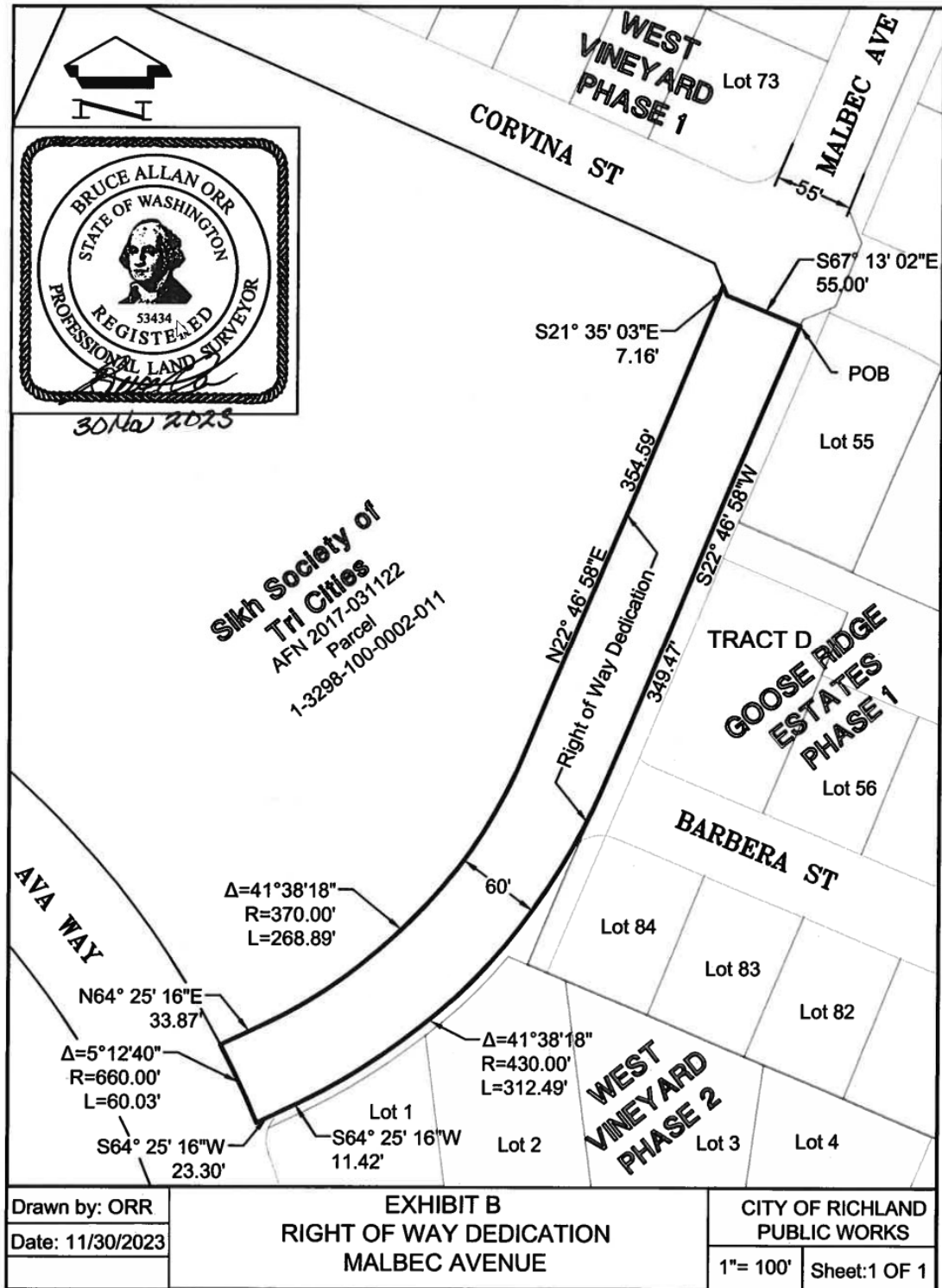


Exhibit C

WHEN RECORDED RETURN TO:

City Clerk
City of Richland
625 Swift Blvd. MS-07
Richland, WA 99352

Portion of Parcel No. 1-3298-100-0002-011

RIGHT-OF-WAY DEDICATION DEED

In and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **SIKH SOCIETY OF TRI CITIES**, a Washington non-profit corporation (“Grantor”), does hereby grant, convey and dedicate to the **CITY OF RICHLAND**, a Washington municipal corporation (“Grantee”), its successors and assigns, a public right-of-way in, upon, over, under, across and through the following property situated in the County of Benton, State of Washington, to be used for all lawful right-of-way purposes, surface and subsurface:

A 60-foot Right of Way situate in a portion of the Northwest quarter of Section 32, Township 9 North, Range 28 East, Willamette Meridian, City of Richland, Benton County, Washington, described as follows:

Commencing at the Northeast Corner of that Parcel described in Statutory warranty deed, recorded in Auditors File Number 2017-031122 records of said County, also being in the Northwesterly line of the plat of Goose Ridge Estates Phase 1 recorded in Auditors File Number 2020-035566 records of said County, and the **True Point of Beginning**;

Thence southwesterly along the Southeasterly line of said Parcel and Northwesterly line of said Plat in Auditors File Number 2020-035566, South 22°46’ 58’ West 349.47 feet to a non-tangent curve to the northwest having a radius of 430.00 feet and from which the long cord bears South 43°36’07” West a distance of 305.66 feet to a point in the Northwesterly line of the plat of West Vineyard Phase 2 recorded in Auditors File Number 2021-029647;

Thence southwesterly along arc and the Southeasterly line of said Parcel and the Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 through a central angle of 41° 38’18” a distance of 312.49 feet;

Thence along the Southeasterly line of said Parcel and Northwesterly line of said Plat recorded in Auditors File Number 2021-029647 South 64°25'16" West 11.42 feet;

Thence leaving the Northwesterly line of said plat recorded in Auditors File Number 2021-029647 and continuing along the Southeasterly line of said Parcel South 64°25'16" West 23.30 feet to the Northeast margin of Ava Way and a non-tangent curve concave to the southwest having a radius of 660.00 feet and from which the long cord bears North 24° 45' 49' West 60.01 feet;

Thence Northwesterly along arc and Northeast margin of Ava Way through a central angle 5°12'40" a distance of 60.03 feet;

Thence leaving said Northeast margin of Ava Way North 64°25'16" East 33.87 feet to a non-tangent curve to northwest having a radius of 370.00 feet and from which the long cord bears North 43°36'07" East a distance of 263.01 feet;

Thence northeasterly along arc through a central angle of 41°38'18" 268.89 feet;

Thence North 22°46'58" East 354.59 feet to the Northeast line of said Parcel and Southwest line of the Plat West Vineyard 1 Phase 1, recorded in Auditors File Number 2013-010783 records of said County;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County South 21°35'03" East 7.16 feet;

Thence along Northeast line of said Parcel and Southwest line of said Plat recorded in Auditors File Number 2013-010783 records of said County, South 67°13'02" East 55.00 feet to the **True Point of Beginning**;

See Exhibit "A" (the area dedicated)

Grantee shall have the right to regulate and use the area dedicated as and for right-of-way and for utility purposes. Such use shall include, but not be limited to the following: (1) the right of public ingress and egress through and along said area; (2) the right to locate, design, construct, install, inspect, protect, maintain, repair, modify, and otherwise change utilities, road rights-of-way, and any other appurtenances or related elements, including, but not limited to, pavement, signs, curbs, gutters, sidewalks, conduits, cables, wires, splicing boxes, power sources, and facilities, including but not limited to those for storm water, wastewater, water, electricity, gas, oil, telecommunications, communication transmission and reception, together with fencing and gates when the same are deemed by Grantee to be necessary to protect facilities, prevent intrusions, and otherwise protect the public from loss or harm; and (3) the right to engage in any other activity that is reasonably related to the construction, operation and maintenance of public utilities and rights-of-way that are located in the dedicated area. In addition, Grantee shall have the right to clear, remove and dispose of any material, obstructions, timber and vegetation within the dedication area.

Grantee's uses are unrestricted in location within the right-of-way and will not be limited in any way by the state of being, condition or location of the street. Grantee is also authorized to utilize such additional width as may be necessary temporarily for the placing of excavated materials thereon and

for initial construction and maintenance operations. Grantee will restore disturbed property to equal or better condition.

Subject to the terms hereof, Grantee shall have all other rights and benefits that are reasonably necessary or useful for Grantee's full and complete use of the area dedicated. Grantor shall not authorize or otherwise permit any person or entity to interfere with Grantee's use of the dedicated area.

Grantor covenants that Grantor is lawfully seized and possessed of the real property described herein, and that Grantor has a good and lawful right to convey it or any part thereof and that Grantor will forever warrant and defend the same against all persons who may lawfully claim the same.

The undersigned requests that the Assessor and Treasurer of Benton County set over to the remainder the lien of all unpaid taxes, if any, affecting the property conveyed by this Right-of-Way Dedication Deed, as provided by RCW 84.60.070.

It is understood and agreed that delivery of this Deed is hereby tendered and that its terms and obligations are not binding upon the City of Richland unless and until the Richland City Council has taken action by ordinance or resolution to accept this Right-of-Way Deed of Dedication and the below Certificate of Acceptance has been executed.

CERTIFICATE OF ACCEPTANCE OF RIGHT-OF-WAY DEDICATION DEED

The interest in real property conveyed by this Right-of-Way Dedication Deed has been accepted by Ordinance No. _____ of the City Council of the City of Richland on the ____ day of _____, 2023, and the authorized officer of such governing body has consented to recordation of said Deed of Dedication with the Benton County Auditor.

Accepted by the City of Richland:

Jon Amundson, ICMA-CM, City Manager

Attest:

Jennifer Rogers, City Clerk

Approved as to form:

Heather Kintzley, City Attorney

GRANTOR – SIKH SOCIETY OF TRI CITIES,
a Washington non-profit corporation

By: _____
Kamaljit Singh, Registered Agent

STATE OF _____)
: SS
COUNTY OF _____)

On this ____ day of _____, 2023, before me, the undersigned Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared **Kamaljit Singh**, to me known to be authorized and who executed the within and foregoing instrument, and acknowledged that he signed the same as his/her free and voluntary act and deed, for the use and purposes therein mentioned, and on oath stated that he/she is authorized to execute the said instrument.

IN WITNESS WHEREOF, my hand and official seal hereon affixed the day and year above written.

Sign: _____
Printed Name: _____

Notary Public in and for the State of _____
Residing at _____
My appointment expires _____

seal

BRUCE ALLAN ORR
STATE OF WASHINGTON
53434
REGISTERED
PROFESSIONAL LAND SURVEYOR

30 Nov 2023

Sikh Society of Tri Cities
AFN 2017-031122
Parcel
1-3298-100-0002-011

WEST VINEYARD PHASE 1
Lot 73

CORVINA ST

MALBEC AVE
55'

S67° 13' 02"E
55.00'

POB

Lot 55

S21° 35' 03"E
7.16'

354.59'

N22° 46' 58"E

Right of Way Dedication

349.47'

S22° 46' 58"W

TRACT D
GOOSE RIDGE ESTATES PHASE 1
Lot 56

BARBERA ST

Lot 84

Lot 83

Lot 82

WEST VINEYARD PHASE 2
Lot 3
Lot 2
Lot 1

AVA WAY

N64° 25' 16"E
33.87'

Δ=5° 12' 40"
R=660.00'
L=60.03'

S64° 25' 16"W
23.30'

Δ=41° 38' 18"
R=370.00'
L=268.89'

60'

Δ=41° 38' 18"
R=430.00'
L=312.49'

S64° 25' 16"W
11.42'

EXHIBIT A
RIGHT OF WAY DEDICATION
MALBEC AVENUE

CITY OF RICHLAND
PUBLIC WORKS

1"= 100' | Sheet: 1 OF 1



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Ordinances - First Reading

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2023-34, Approving the 2027 Council Compensation Plan

Department/Office
Human Resources

Ordinance/Resolution Number:
2023-34

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2023-34, approving the 2027 Council Compensation Plan.

Summary:

Article II of the Richland City Charter allows the City Council to set its own compensation by ordinance. However, per RCW 35.27.130, the Council may not set its own salaries during its current members' terms of office. Read together, these two laws grant the City Council the authority to set compensation to be realized by future councilmembers in subsequent years. Since 2002, Council has based the annual adjustment on the increase in the Compensation Plan for Unaffiliated Staff (also referred to as the unaffiliated wage schedule).

On December 5, 2023, Resolution No. 2023-185 was adopted to update the unaffiliated wage schedule. The update included a 2.0% market adjustment that will also be applied to the Council's compensation. Beginning in 2027, City Council's compensation will be \$1,424 per month. In addition to the monthly Council stipend, the Mayor receives an additional \$250 per month. A history of council compensation adjustments from 2003 to present is provided with this staff report.

Staff recommends approval of Ordinance No. 2023-34 for first reading, by title only.

Fiscal Impact: Approval of Ordinance No. 2023-34 will result in a 2.0% increase in City Council's compensation in 2027.

Attachments:

1. Ordinance No. 2023-34
2. History of Council Compensation

ORDINANCE NO. 2023-34

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTION 2.32.040 RELATED TO THE 2027 COUNCIL COMPENSATION PLAN.

BE IT ORDAINED by the City of Richland as follows:

Section 1. Section 2.32.040 of the Richland Municipal Code, as enacted by Ordinance No. 8 and last amended by Ordinance No. 2022-42, is hereby amended to read as follows:

2.32.040 Councilmembers

The monthly compensation of each member of the council, whether a new or incumbent member, is as follows: ~~2022, \$1,231;~~ 2023, \$1,253; 2024, \$1,269; 2025, \$1,329; ~~and~~ 2026, \$1,396; and 2027, \$1,424; provided, however, that nothing herein shall cause an increase or decrease to the compensation of any member of the council after his or her election or during the term of office or any unexpired term of office, to which such member of the council is appointed or elected. City council shall establish council salary based on the annual increase, if any, in the Compensation Plan for Unaffiliated Employees wage table, maintaining a four-year schedule.

All members of the council who participate in the Washington Public Employees' Retirement System shall provide a written certification to human resources, detailing a monthly calculation of the number of hours of service they provide to the city of Richland each year. This record shall be maintained in the human resources division for auditing purposes as generally required in Chapter 41.40 RCW.

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

Section 3. 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 4. 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.

This space intentionally left blank.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____

CITY OF RICHLAND
HUMAN RESOURCES

625 Swift Boulevard, MS-12
Richland, WA 99352
(509) 942-7390



MEMORANDUM

TO: City Council

FROM: Lacey Paulsen, Human Resources Director

THROUGH: Jon Amundson, City Manager

DATE: December 19, 2023

SUBJECT: 2027 City Council Compensation and History

Year	Mayor	Council Member	% Increase by year
2003	\$1,075	\$825	0.00%
2004	\$1,125	\$875	6.00%
2005	\$1,150	\$900	3.00%
2006	\$1,177	\$927	3.00%
2007	\$1,214	\$964	4.00%
2008	\$1,253	\$1,003	4.00%
2009	\$1,263	\$1,013	1.00%
2010	\$1,278	\$1,028	1.50%
2011	\$1,288	\$1,038	1.00%
2012	\$1,319	\$1,069	3.00%
2013	\$1,340	\$1,090	2.00%
2014	\$1,340	\$1,090	0.00%
2015	\$1,362	\$1,112	2.00%
2016	\$1,373	\$1,123	1.00%
2017	\$1,373	\$1,123	0.00%
2018	\$1,393	\$1,143	1.75%
2019	\$1,410	\$1,160	1.50%
2020	\$1,427	\$1,177	1.50%
2021	\$1,445	\$1,195	1.50%
2022	\$1,481	\$1,231	3.00%
2023	\$1,503	\$1,253	1.80%
2024	\$1,519	\$1,269	1.30%
2025	\$1,579	\$1,329	4.75%
2026	\$1,646	\$1,396	5.00%
2027	\$1,674	\$1,424	2.00%



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2023-30, Amending Chapter 2.28 of the Richland Municipal Code related to the City's Personnel Plan

Department/Office
Human Resources

Ordinance/Resolution Number:
2023-30

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2023-30, amending Chapter 2.28 of the Richland Municipal Code related to the City's Personnel Plan.

Summary:

The City has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate conflicts and ambiguities, and to bring it into alignment with current practices. Chapter 2.28 of the RMC is the City's Personnel Plan, which is a key component of human resource management and provides rules related to the recruitment, selection, retention and management of employees.

A summary of the proposed amendments to Chapter 2.28 are as follows:

- Updated definitions and terminology to achieve compliance with current practices, procedures and employment laws.
- Updated Equal Opportunity Policy Statement to ensure that all employment aspects, from hiring to termination, are free from discrimination based on protected class status.
- Updated selection and appointment rules to reflect best practices and methodology.
Updated scoring criteria and associated terminology for veterans in competitive examinations per RCW 41.04.005 and RCW 41.04.007.
- Removal of a never-enforced non-competition clause which poses potential conflict with RCW 49.62.070.

Consistent with Article VI, Section 6.03 of the Richland City Charter, a public hearing was held on December 5, 2023 to take public testimony on the proposed action. No testimony was offered.

Staff recommends approval of Ordinance No. 2023-30 for second reading and passage.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 2023-30

ORDINANCE NO. 2023-30

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 2.28 OF THE RICHLAND MUNICIPAL CODE RELATED TO THE CITY'S PERSONNEL PLAN.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate conflicts and ambiguities, and to bring it into alignment with current policies, procedures, practices, compliance-related items and employment laws.

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

Section 1. Chapter 2.28 of the Richland Municipal Code, entitled Personnel Plan, as first enacted by Ordinance No. 50-77, and last amended by Ordinance No. 22-29, is hereby amended as follows:

CHAPTER 2.28 PERSONNEL PLAN

Sections:

Article I. Definitions

- 2.28.001 Introduction to definitions.**
- 2.28.003 Appointment.**
- 2.28.005 Appointing authority.**
- 2.28.006 "At will" employment – Unclassified service only.**
- 2.28.007 Certification list.**
- 2.28.010 Certify.**
- 2.28.014 Class.**
- 2.28.016 Classified service.**
- 2.28.018 Continuous service.**
- 2.28.020 Demotion.**
- 2.28.022 Department director.**
- 2.28.024 Deputy city manager and assistant city manager.**
- 2.28.026 Division manager.**
- 2.28.028 Employee.**
- 2.28.030 Examination.**
- 2.28.032 Exempt [employee](#).**
- 2.28.036 Immediate family.**
- 2.28.038 Intermittent employee.**
- 2.28.040 Leave of absence without pay.**
- 2.28.042 Nonexempt [employee](#).**
- 2.28.044 Original appointment.**
- 2.28.046 Regular full-time employee.**
- 2.28.048 Regular part-time employee.**
- 2.28.050 Probationary employee.**

- 2.28.052 Temporary employee.
- 2.28.053 Limited term employee.
- 2.28.054 Probationary period.
- 2.28.056 Promotion.
- 2.28.058 Provisional employee.
- 2.28.060 Recall list.
- 2.28.062 Salary.
- 2.28.064 Temporary appointment.
- 2.28.068 Transfer.
- 2.28.069 Unaffiliated staff.
- 2.28.070 Unclassified service.
- 2.28.072 Vacancy.
- 2.28.074 Reclassification.
- 2.28.075 ~~Contract~~ Contingent employee.

Article II. General Provisions and Organization

- 2.28.105 Equal employment opportunity policy.
- 2.28.110 Scope.
- 2.28.115 Human resources director.
- 2.28.120 Council.
- 2.28.125 Personnel committee – Membership.
- 2.28.130 Personnel committee – Powers and duties.
- 2.28.140 Compensation plan for unaffiliated staff.

Article III. Classification Plan

- 2.28.205 Classification plan – Objective.
- 2.28.210 Classification plan – Structure.
- 2.28.215 Classification plan – Class specifications.
- 2.28.220 Classification plan – Class title use required.
- 2.28.225 Classification plan – Maintenance.

Article IV. Selection and Appointment

- 2.28.405 Recruitment.
- 2.28.410 Application.
- 2.28.415 Rejection of applications.
- 2.28.420 Examinations.
- 2.28.425 Examination results and scores.
- 2.28.430 Veteran's scoring criteria ~~preference~~.
- 2.28.435 Appointing authority.
- 2.28.440 Certification list.
- 2.28.445 Appointments.
- 2.28.450 Expenditures allowed – Exempt personnel.
- 2.28.455 Promotional appointments.

2.28.460 Provisional appointments.

2.28.465 ~~Special~~ Educational or internship appointments.

Article V. Conditions of Employment

2.28.515 Outside employment.

2.28.520 Service on city advisory boards, committees, and commissions.

2.28.525 Political activities.

2.28.530 Tenure of employment – Classified service.

2.28.535 Tenure of employment – Unclassified service.

2.28.550 Employment and reemployment rights of members of the uniformed services.

~~2.28.555 Employment conflicting with city interests – Noncompetition clause – Former employee.~~

Article VI. Insurance Benefits

2.28.605 Insurance benefits.

Article VII. Savings Clause

2.28.845 Savings clause.

Article VIII. Grievance Procedure

2.28.905 Pre-disciplinary hearing opportunity required.

2.28.906 Personnel committee appeal hearings.

2.28.920 Severability.

Article I. Definitions

2.28.001 Introduction to definitions.

The following terms, when used in this chapter, shall have the meanings ascribed to them in this article.

2.28.003 Appointment.

“Appointment” means the assignment of a qualified person from a certification list to a position in the city service by the appointing authority.

2.28.005 Appointing authority.

“Appointing authority” means the city manager or other delegated authority who is empowered to appoint or remove employees of the department over which the city manager or delegated authority has jurisdiction subject to the provisions of this chapter.

2.28.006 “At will” employment – Unclassified service only.

For purposes of this section, “at will” means that the affected employee is employed at the discretion and pleasure of the city. While many employment rules may be contained in this section,

no other policy, practice or application of any rule shall be considered a contract or assurance of continued employment. The employee or the city may terminate employment in unclassified service for reasons that either considers sufficient.

2.28.007 Certification list.

“Certification list” means a list of all persons who have qualified for appointment to positions within a certain class under the provisions of this chapter, with names arranged in order of qualifying scores in the examination.

2.28.010 Certify.

“Certify” means the act of the human resources director in supplying an appointing authority with the names of applicants who are eligible for appointment to the class and position for which certification is requested.

2.28.014 Class.

“Class” means a group of positions sufficiently similar in duties, responsibilities, salary range and minimum qualifications to permit combining them under a single title.

2.28.016 Classified service.

“Classified service” means all positions not specifically included in the unclassified service and excludes all job classifications covered by a collective bargaining agreement with the city.

2.28.018 Continuous service.

“Continuous service” means employment in the city service as a regular or probationary employee which is uninterrupted except for authorized leave of absence or separation due to layoff; provided, that time lost due to layoff shall not be included in the determination of length of continuous service.

2.28.020 Demotion.

“Demotion” means the assignment of an employee from the employee’s present position to another position providing a lower salary rate.

2.28.022 Department director.

“Department director” means an employee designated by the city manager to be the director of a department.

2.28.024 Deputy city manager and assistant city manager.

“Deputy city manager” and “assistant city manager” mean an employee designated by the city manager to be deputy city manager or assistant city manager as described in RMC 2.04.126 and RMC 2.04.128, respectively.

2.28.026 Division manager.

“Division manager” means an employee designated by the city manager, a deputy city manager and/or a department director to be the operating manager of a division.

2.28.028 Employee.

“Employee” means a person occupying a nonelected, budgeted position and who is paid for services rendered.

2.28.030 Examination.

“Examination” means that series of events and/or exercises which culminate in certification of a list of persons qualified for appointment to a particular position of a specified class.

2.28.032 Exempt employee.

“Exempt employee,” as defined by the Fair Labor Standards Act, means ~~a job classification exempt from the Act which meets the test of a salaried employee in an executive, administrative, or professional position~~ an employee who is paid a fixed salary on a weekly, monthly or annual basis and whose duties meet the criteria for exclusion from the overtime pay requirements under the applicable federal and state wage and hour laws, including but not limited to, executive, administrative, or professional employees. An exempt employee is not eligible to receive overtime pay.

2.28.036 Immediate family.

“Immediate family” means that group of individuals including the employee’s wife, ~~or~~ husband, or registered domestic partner, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandfather, grandmother, grandchild, or any person permanently residing with the employee with an immediate familial relationship.

2.28.038 Intermittent employee.

“Intermittent employee” means an employee qualified to work in a specific position classification who ~~is on-call to~~ works at irregular or variable intervals ~~in one or more city departments, not to exceed an average of 30 hours per week. Employment is not guaranteed for any length of time.~~

2.28.040 Leave of absence without pay.

“Leave of absence without pay” means an unpaid leave authorized by the deputy city manager, assistant city manager, and/or department director for up to 30 calendar days, and as authorized by the city manager, a maximum of one year except in the case of illness, injury or involuntary conscription.

2.28.042 Nonexempt employee.

“Nonexempt employee,” as defined by the Fair Labor Standards Act, means ~~a job classification not exempt from the Act with entitlement to the application of said Act~~ an employee whose duties render their job classification eligible for overtime in accordance with applicable federal and state wage and hour laws.

2.28.044 Original appointment.

“Original appointment” means the initial appointment from a certification list to a position in the city service.

2.28.046 Regular full-time employee.

“Regular full-time employee” means any employee who is employed for a minimum of 30-40 hours per week, who has successfully completed a probation period in a position and who continues to successfully meet the requirements of that position as determined by the appointing authority.

2.28.048 Regular part-time employee.

“Regular part-time employee” means any employee in the classified service who has successfully completed a probation period and who is employed on a monthly average of 20 or more, yet less than ~~40~~ 30, hours per week.

2.28.050 Probationary employee.

“Probationary employee” means an employee who is serving a probationary period prior to being appointed as a regular full-time employee or a regular part-time employee.

2.28.052 Temporary employee.

“Temporary employee” means any employee whose tenure is eight months or less, and who may occupy either a full-time or part-time position. Temporary employees have no right to steady employment, prior notice of termination or preference for regular full-time job openings.

2.28.053 Limited term employee.

“Limited term employee” means an an ~~temporary~~ employee whose tenure is greater than eight months but no longer than 24 months, and who may occupy either a full-time or part-time position. Limited term employees have no right to steady employment, prior notice of termination or preference for regular full-time or part-time job openings.

2.28.054 Probationary period.

“Probationary period” means a working test period of no less than ~~six months~~ one year during which an employee is required to demonstrate the ability and capacity to perform the duties of the position to which the employee has been appointed.

2.28.056 Promotion.

“Promotion” means the assignment of an employee from a position in one class to another class providing a higher salary rate.

2.28.058 Provisional employee.

~~Pending the establishment of a certification list,~~ “Provisional employee” means any employee ~~temporarily assigned~~ hired to a position without having participated in an examination process for which the tenure of employment does not exceed four months, and who may occupy either a full-time or part-time position. ~~provided, that such assignment does not exceed four months.~~

2.28.060 Recall list.

“Recall list” means a listing, by class, of regular full-time or regular part-time employees who have been separated from the classified city service by reduction of force.

2.28.062 Salary.

“Salary” means the compensation paid to an employee for services rendered as set forth in the city’s ~~salary classification~~ [compensation](#) plan.

2.28.064 Temporary appointment.

“Temporary appointment” means an appointment for a period of eight months or less to meet a seasonal or other short-term need.

2.28.068 Transfer.

“Transfer” means the assignment of an employee from one position, division or department to another position, division or department.

2.28.069 Unaffiliated staff.

“Unaffiliated staff” means classified and unclassified (excluding elected and appointed) employees who are not subject to union representation or represented by any council adopted formal collective bargaining agreement.

2.28.070 Unclassified service.

“Unclassified service” means all positions listed as follows:

- A. Officers elected by the people and persons appointed to fill vacancies in elective offices;
- B. Officers appointed by the mayor or council as approved by the law or by the Charter;
- C. The city manager, deputy city managers, ~~s,~~ [assistant city manager](#), all department directors, all division managers, and such other principal officers and assistants as the council may prescribe.
- D. All unclassified employees hired after the effective date of the ordinance codified in this chapter shall be considered “at will.”

2.28.072 Vacancy.

“Vacancy” means a position existing or newly created, budgeted, which is not occupied, and for which a valid requisition has been received by the human resources department.

2.28.074 Reclassification.

“Reclassification” means the action of repositioning (upwards or downwards) of a job classification currently listed as a job classification in the city’s ~~salary~~ [compensation](#) plan structure. The action may affect the incumbent employee.

2.28.075 ~~Contract~~ [Contingent](#) employee.

~~“Contract~~ [“Contingent](#) employee” means an employee contracted through an employment agency. ~~for a period of eight months or less. Contract employees~~ [They](#) are not city employees and are not covered by the provisions of this chapter. ~~; however, the city may apply contract employee tenure to the tenure requirements of the temporary employee or limited term employee if there has been no break in contract employment. Contract employees~~ [They](#) have no right to steady employment, prior notice of termination or preference for regular full-time or part-time job openings.

Article II. General Provisions and Organization

2.28.105 Equal employment opportunity policy.

~~It is declared that the personnel policy of the city that employment in the city government shall be based on an applicant's qualifications as they pertain to the essential functions of the job applied for. This commitment shall be supported by positive practical efforts to ensure equal employment opportunities for minorities, women, disabled, and those employment disadvantaged, both in securing city employment and promotional opportunities at all levels. The city shall not discriminate in its personnel practices on the basis of race, religion, sex, political views, national origin, age, marital status or disability unless based on a bona fide occupational qualifications or state or federal regulations.~~

The city is an equal opportunity employer. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex/gender, race, color, national origin, citizenship or immigration status, religion, marital status, military or honorably discharged veteran status, age, pregnancy, sexual orientation, gender expression or identity, disability, genetic information, or any other basis prohibited by law.

Any employee/potential employee who believes that they have been discriminated against or subjected to unlawful harassment or retaliation should report it to their supervisor, manager, department director, or Human Resources. Upon receipt of a complaint, the city will promptly investigate and take appropriate corrective action as may be warranted. The city will not tolerate retaliation against any individual who reports workplace discrimination or harassment.

2.28.110 Scope.

A. This chapter shall not apply to situations involving the following offices: members of council, members of commissions, committees and boards, the city manager, employees represented by a bargaining unit, except that those employees engaged in public safety or specified in Chapters 41.08 and 41.12 RCW shall be entitled to coverage of provisions of this chapter as specified by Chapters 41.08 and 41.12 RCW, and persons providing services that are outside the classified or unclassified plan of the city.

B. In determining salaries, hours and working conditions for employment in the city service, the city council, through the city manager, may bargain collectively with any employee group or representative and enter into such agreements as permitted by the Charter and general law. For unaffiliated staff not represented by any bargaining unit, the city manager shall be responsible for establishing and maintaining a compensation plan for council approval.

C. It is further provided that the invalidity of any section or part of a section of this chapter shall not affect the validity of the remainder of this chapter.

2.28.115 Human resources director.

The city manager shall serve as human resources director of the city unless, pursuant to the Charter, the city manager shall appoint another person to this office. The human resources director shall

administer the personnel system of the city in accordance with the personnel ordinance adopted, and recommend rules governing personnel to the council.

2.28.120 Council.

The city council shall adopt rules governing city employment after a public hearing on such rules, as provided in the Charter. Thereafter, the council shall have the power to amend, repeal or add to the rules on the recommendation of the human resources director or on its own initiative, subject to the requirement of a public hearing. These rules shall provide for:

- A. The classification of all city positions in the classified service;
- B. Salary and wage plans for all city positions;
- C. Methods for determining the qualifications and merit of candidates for appointment, retention and promotion in the classified service;
- D. Procedures for removal and suspension of, and disciplinary action against, officers and employees;
- E. The order and manner in which layoffs may be effected;
- F. Procedures for review of action taken under subsections (C), (D) and (E) of this section;
- G. Hours of work, attendance regulations, and provisions for sick and vacation leave;
- H. Other practices and procedures necessary to the administration of the city personnel system.

2.28.125 Personnel committee – Membership.

A. There shall be a personnel committee consisting of three members who shall be citizens of the United States, residents of the city for at least three years immediately preceding such appointment, and registered voters. During the term of office, a member of the personnel committee shall not serve on any other Richland board, commission or committee.

B. The term of office for personnel committee members shall be for three years. Appointment to the committee is limited to two consecutive terms. A period of one year must lapse before an individual may again be considered for appointment.

C. The committee shall meet as frequently as is necessary for the proper discharge of its duties.

D. Meetings of the personnel committee shall comply with the Open Public Meetings Act, Chapter 42.30 RCW; provided, however, that appeal hearings conducted by the personnel committee shall occur in closed session unless the employee who brought the appeal demands in writing that the hearing be open to the public. The committee may exclude from any such public or private meeting, during the examination of witnesses, any or all other witnesses in the matter being heard. The hearing need not be conducted according to technical rules relating to evidence and witnesses,

although all witnesses offering testimony to the personnel committee must be sworn or affirmed to truthfulness.

2.28.130 Personnel committee – Powers and duties.

Powers and duties of the personnel committee are as follows:

A. Monitor the administration and grading of competitive examinations.

B. Hear appeals on the following matters as alleged by any employee in the classified service or uniformed personnel under Chapters 41.08 and 41.12 RCW; provided, however, that any uniformed personnel employee who has elected to appeal through a grievance mechanism provided in a labor agreement shall not be entitled to appeal the same or similar issue to the personnel committee:

1. Any disciplinary action resulting in suspension, demotion, reduction in pay or termination;
2. Any alleged violation of the established personnel plan related specifically to hiring or promotional opportunities;
3. Any challenge to the reasonableness of the appointing authority's actions related to a reduction in force.

After the hearing, the personnel committee will report its findings and recommendations in writing to the appointing authority. The committee's findings and recommendations shall be advisory only, except where general law requires the committee to render a decision that is final and binding upon the appointing authority with respect to firefighters under Chapter 41.08 RCW and police officers under Chapter 41.12 RCW.

C. Hearings before the committee shall be governed by RMC 2.28.906. Any informality of proceedings or in the manner of taking testimony shall not affect any action of the committee.

D. The committee shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of records.

E. Each member of the personnel committee shall have the power to administer an oath consistent with RCW 5.28.020 to any participating witness.

2.28.140 Compensation plan for unaffiliated staff.

From time to time, typically when collective bargaining agreements are reviewed, the city manager or his or her designee shall forward to council for approval via resolution, a compensation plan for all unaffiliated staff. Said rules are subordinate to this chapter and shall serve to document and govern the wages, hours and conditions of employment for all unaffiliated staff. Notification shall be given to unaffiliated staff to allow for a comment period of up to three weeks prior to presentation to council to provide opportunity for employee input, discussion and questions.

Article III. Classification Plan

2.28.205 Classification plan – Objective.

The human resources director shall recommend to council, and council shall adopt by resolution after public hearing, a classification plan which shall provide for a complete inventory of all positions in the classified service and accurate descriptions and specifications for each position and class of employment. In the plan, class titles shall be standardized and each of them shall be indicative of a definite range of duties and responsibilities and shall have the same meaning throughout the city service. The human resources director shall recommend necessary amendments to the plan in order to conform to the current needs of the city service.

2.28.210 Classification plan – Structure.

The classification plan shall consist of the following elements:

- A. An assembly into classes of positions which are approximately of equal difficulty and responsibility, which require the same general qualifications and which can be compensated within the same grade of pay under similar working conditions;
- B. A class title descriptive of the work of each class which shall identify the class for personnel control and payroll accounting purposes;
- C. A written description for each position containing: a description of the nature of the work and of the relative responsibility of the position and which includes examples of work which are illustrative of the essential functions of the job; requirements of work in terms of knowledge, abilities and skills necessary for the performance of work, and a statement of experience and training desirable for recruitment into the position which constitutes the job specifications.

2.28.215 Classification plan – Class specifications.

The specifications of the classes of positions in the classification plan and their various parts shall be used as a guide in the classification of positions and have the following force and effect:

- A. The specifications are descriptive and not restrictive; they are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities. Specifications are to be interpreted in their entirety in relation to the others in the classification plan. Particular phrases or examples are not to be isolated and treated as a full definition of the class.
- B. In determining the class to which any position should be allocated, the specifications of each class shall be considered as a whole. Consideration shall be given to the duties, specific tasks, responsibilities, qualifications, requirements and relationships with other classes, as together affording a statement of the employments that the classes intend to embrace.

2.28.220 Classification plan – Class title use required.

Class titles or designated code symbols shall be used in all personnel accounting, budgeting, appropriation and financial records. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan.

2.28.225 Classification plan – Maintenance.

The human resources director shall be responsible for the proper maintenance of the classification plan, so that it will reflect continuously on a current basis the duties being performed by each employee in the city service and the class to which each position is allocated. The human resources director or designee shall make necessary amendments to the classification plan, including the addition of required new classes, revision of existing classes, and deletion of obsolete classes. Changes and reallocations within the classification plan shall be made as follows:

A. The human resources director shall analyze the duties and responsibilities to be assumed by incumbents of proposed new positions, and using such appraisal as a basis, assign the position to the appropriate class within the classification plan. A new class specification shall be prepared to cover each additional position which is created and for which the classification plan does not provide a satisfactory job description.

B. Changes in the duties and responsibilities of a position involving either the addition, reduction, or modification of assignments, shall be reported to the human resources director by the deputy city manager, assistant city manager, and/or department head concerned. If the changes are determined to be permanent, and are sufficiently significant to justify reallocation to a different classification, the human resources director shall assign the position to the class which is appropriate under the modified circumstances.

C. The human resources director shall periodically review the classification of positions and audit duties and responsibilities, and on the basis of his or her reappraisal, make such changes as are necessary to keep the classification plan current. Reallocation of positions under the provisions of this section shall be the responsibility of the human resources director, but shall give due consideration to the recommendations of the administrative officials concerned, and the personnel committee.

Article IV. Selection and Appointment

2.28.405 Recruitment.

The appointing authority shall determine whether open positions shall be advertised internally and/or to the general public. Notice of such open positions shall be posted on ~~city bulletin boards~~ the city's website at least five days prior to the promotional closing.

A. Open positions may be published ~~in a city newspaper and circulated~~ on the city's website and by any other means as the human resources director shall deem necessary at least 10 days prior to the closing date for such employment opportunity.

B. A notice of open positions shall contain the position title, ~~and~~ a brief description of the job duties and requirements, the wage scale or salary range, and a description of all the benefits and other compensation to be offered as required by RCW 49.58.110. Applicants selected for examination shall be advised of the examination date and place, type(s) of examinations to be employed and any special examination requirements.

2.28.410 Application.

Application for open positions in city employment shall be made ~~in writing, in a manner prescribed by the human resources department~~ electronically through the city's online applicant tracking system, and submitted to the human resources department at such time as a vacancy is advertised.

2.28.415 Rejection of applications.

The human resources department may reject any application for one or more of the following reasons:

- A. If the applicant lacks any of the minimum qualifications set forth in the position classification or examination announcement;
- B. If the applicant cannot perform the essential functions of the position with or without reasonable accommodation to which the applicant seeks appointment, or has previously been terminated from the city service for misconduct or unsatisfactory job performance;
- C. If the applicant has falsified the application or the application is deemed incomplete;
- D. If, after notification, the applicant is not present at the time and place designated for the examination.

2.28.420 Examinations.

Oral, written, physical performance or skill proficiency examinations, or any combination of these, may be employed as it is deemed appropriate as long as they are job related and serve to provide a satisfactory measure of the applicant's qualifications and capability to perform the essential functions of the position. Examinations shall be developed and administered by the human resources department or purchased from vendors where such tests are verified to be valid and reliable.

2.28.425 Examination results and scores.

The human resources staff shall document examination results and scores using appropriate statistical and testing techniques and shall determine the relative rating of the competitors.

2.28.430 Veteran's ~~Preference~~ scoring criteria.

~~A "veteran" shall be defined as any person who has served in any branch of the U.S. Armed Forces during any period of war, including World Wars I and II, the Korean conflict, the Vietnam era, and the period of any future war declared by Congress (RCW 41.04.005). In all competitive examinations, all such veterans shall be given a preference by adding to a passing grade only, based upon a rating of 100 points, a percentage in accordance with the following as specified in RCW 41.04.010:~~

- ~~A. Ten percent to a veteran who is not receiving any veteran retirement benefits;~~
- ~~B. Five percent to a veteran who is receiving veterans retirement payments;~~

~~C. Preferences specified in subsections (A) and (B) of this section shall not be used in any promotional examination. No preference shall be given to a veteran who has claimed a similar~~

~~preference and has thereby been previously appointed to a position though employment thus obtained was with a different state agency, municipal corporation, or political subdivision (Attorney General's Opinion 1975, No. 220);~~

~~D. Five percent to a veteran who, after having previously served employment with the city, shall be called to active military service for a period of one year, or more, during any period of war, for promotional examination;~~

~~E. Preferences specified in subsections (A), (B) and (D) of this section must be claimed by a veteran within eight years of the date of release from active service, providing such release is for reasons other than dishonorable discharge.~~

A. In all competitive examinations, the city shall give a scoring criteria status to all veterans as defined by RCW 41.04.007 by adding to the passing score, based upon a possible rating of 100 points, a percentage in accordance with the following:

1. Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations.

2. Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or who is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations.

3. Five percent to a veteran who was called to active military service from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to promotional examinations until the first promotion only.

B. All veterans' scoring criteria may be claimed:

1. Upon release from active military service with an honorable discharge or a discharge for medical reasons with an honorable record, where applicable; or

2. Upon receipt of a United States department of defense discharge document DD form 214, NGB form 22, or their equivalent or successor discharge paperwork, that characterizes his or her service as honorable.

2.28.435 Appointing authority.

The city manager is authorized to make all appointments in the city administration, and when the city manager deems the best interest of the city requires, remove officers and employees of the city, unless otherwise provided by the Charter or by the general laws. The manager may authorize the deputy city manager, assistant city manager, and/or director of a department to appoint and remove subordinates in such department.

2.28.440 Certification list.

A. The human resources department shall ~~maintain~~ create a certification list for each ~~position class~~ vacant position, bearing the names of all persons completing the competitive examination process with scores of not less than 70 percent within classified service. These names shall be carried on the certification list for a period of one year.

B. Names may be removed from the certification list for the following reasons:

1. Request of the applicant;
2. In the case of police officer applicants, a prior conviction of a felony or misdemeanor involving moral turpitude;
3. An applicant's prior conviction of a crime which relates reasonably to the position applied for, provided the date of such conviction or prison release, whichever is more recent, is less than seven years old;
4. Applicant's death;
5. Applicant's refusal to accept employment in a position class for which ~~the applicant~~ they applied ~~was examined~~;
6. Applicant's failure to ~~keep the~~ inform ~~personnel office~~ human resources ~~informed of~~ applicant's their correct ~~address~~ contact information;
7. Applicant's failure to appear for employment interview or pre-employment testing;
8. Applicant's attempted deception or fraud in connection with the application or examination;
9. Applicant's dismissal from any other classified position for reasons of misconduct and/or unsatisfactory performance;
10. Expiration of one full year after entry on the list.

2.28.445 Appointments.

A. Appointments for all classified service, both entry and promotional, in the city service shall be made from the appropriate certification list providing that where diligent efforts to establish such lists have been unsuccessful, a provisional appointment may be made.

B. Upon receipt of an appropriate certification list from the human resources director, an appointing authority shall make an appointment to a position from the top three names on that list; provided, however, that the appointing authority may refuse to appoint from a certification list containing fewer than three names and request a new certification list be made.

C. Should a candidate demonstrate exceptional qualifications by virtue of knowledge, skills and prior experience, the appointing authority may request a direct appointment to city service with the approval of human resources and the appropriate department head.

2.28.450 Expenditures allowed – Exempt personnel.

A. Whenever the city manager ~~may~~ determines that in order to secure the services of any person not residing within the Richland area as an employee of the city it is necessary to pay the cost of moving the household goods and personal effects of such person from place of residence to the city upon appointment to city service, then payment of reasonable and necessary moving costs may be made from appropriate available maintenance and operation funds in the city's annual budget, upon the recommendation of the city manager. ~~and the approval of such expenditure by the city council.~~

B. When the appointing authority deems it necessary to interview ~~personnel~~ applicants to fill positions requiring special experience and training, and ~~such personnel~~ applicants reside outside the city limits, the appointing authority is authorized to pay necessary travel and subsistence expenses to bring a limited number of applicants to the city for ~~such personnel~~ in-person interviews; providing funds for the payment of such expenses are available.

C. In cases of certain examinations which may require the professional expertise of a person outside the city service, the appointing authority is authorized to pay necessary travel and subsistence expenses to bring a limited number of such persons to the city for participation in such examinations; providing funds for payment of such expenses are available.

2.28.455 Promotional appointments.

In order to best use knowledge, skills, abilities and performance of city employees, the appointing authority shall fill vacancies by promotion whenever practicable. Such promotions shall be based on competitive selection processes, except in those cases where the appointing authority determines that a particular employee, who by virtue of length and quality of work experience for the city, is exceptionally qualified for the promotion; provided, however, that nothing in this section shall apply to promotional appointments in the police department and fire and emergency services department covered by a collective bargaining agreement. Promotional appointments in those departments shall be based upon the process set forth in RMC 2.28.410 through 2.28.450.

2.28.460 Provisional appointments.

Provisional appointments may be made in the classified service when no appropriate certification list exists. Such appointments shall have a maximum duration of four months and may not continue beyond a 10-day period after the establishment of an appropriate certification list.

2.28.465 Educational or internship ~~Special~~ appointments.

In recognition of the special needs of the city from time to time to employ student trainees ~~or interns, and recreation instructors and aides~~ in diverse programmatic areas designed to meet the desires and needs of the citizens of Richland, authority is granted to the human resources director to make occasional appointments of qualified persons to meet these special needs, budget permitting and in accordance with law and city policy.

A. The procedure and requirements for appointments to city service provided in this chapter are waived for special appointments made pursuant to this section or the compensation plan.

B. Persons appointed pursuant to this section shall be deemed employees only insofar as wages, and state or federal mandated benefits such as Social Security, industrial insurance, and unemployment compensation are concerned. Other benefits, privileges, protections or rights, including tenure, provided by this chapter, or the compensation plan shall not apply nor shall persons appointed pursuant to this section become eligible for them. Persons so appointed serve solely at the pleasure of the city. Persons so appointed shall be advised in writing of their specific employment status as set forth in this section.

C. Special appointment of individual persons may be recurring, but any single appointment shall not extend beyond eight continuous months.

D. Salary for services rendered by persons appointed pursuant to this section shall be an hourly rate and shall be set by the human resources director to be commensurate with the skills needed to meet the special need for which the special appointment is being made. ~~For special appointments to meet recreation program needs, the hourly rate shall in addition reflect the number of expected program participants, the ability to recruit desired program instructors and aides, and such other factors as may impact a particular recreation program offering. In no event shall the hourly rate be less than the federal minimum wage.~~ Provisions of this chapter regarding salary and benefits other than those set forth in this section shall not apply to persons under special appointment.

Article V. Conditions of Employment

2.28.515 Outside employment.

A. An employee seeking to engage in employment other than the employee's job with the city must notify the employee's immediate supervisor.

B. An employee shall not engage in employment other than the employee's city job if such employment constitutes a conflict of interest, is incompatible with the proper discharge of the employee's official duties, or interferes with the efficient performance of the city job.

2.28.520 Service on city advisory boards, committees, and commissions.

Except for membership on the police pension board, in accordance with RCW 41.20.010, and the ~~firemen's~~ firefighters' pension board, in accordance with RCW ~~41.14.020~~ 41.16.020, and except for employees serving ex officio, no employee, during his or her term of service in city employment, shall be eligible, or be appointed, to serve on any city board, committee or commission performing an advisory function to the city council.

2.28.525 Political activities.

The following rules shall govern the political activities of city employees:

A. Solicitation for or payment to any partisan, political organization or for any partisan political purpose of any compulsory assessment or involuntary contribution is prohibited; provided, that officers of employee associations shall not be prohibited from soliciting dues or contributions from

members of their associations. No person, elected official, or employee shall solicit on city property any contribution to be used for partisan political purposes (RCW 41.06.250).

B. Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character (RCW 41.06.250).

C. A city employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office, as determined by the appointing authority, is incompatible with or substantially interferes with the official duties of the employee's job (RCW 41.06.250).

D. For persons employed by the city in positions which are financed primarily by federal grant-in-aid funds, political activity shall be regulated by the rules of the U.S. Civil Service Commission (RCW 41.06.250).

E. No member of the city council nor any candidate for election to city council shall directly or indirectly solicit any contribution or campaign assistance of any nature from any employee of the city.

2.28.530 Tenure of employment – Classified service.

The tenure of any person covered under the provision of this chapter shall be subject to appropriate conduct and the satisfactory performance of the employee's job responsibilities. Any person may be discharged (when authorized by the city manager), or disciplined (including but not limited to suspension without pay, temporary or permanent pay reductions, demotion, and reduction in rank) by the city manager and/or director of a department for any of the following reasons:

A. Unsatisfactory record of attendance and/or punctuality.

B. Absent without leave for three consecutive working days.

C. Incompetent, inefficient or ineffective performance of job responsibilities.

D. Inattention to job responsibilities or loitering.

E. Insubordination, which is the refusal to obey lawful and reasonable direction given by the employer.

F. Dishonest conduct such as theft, fraud or misrepresentation.

G. Disorderly conduct in the course of employment including fighting, horseplay, threatening or otherwise abusing other employees or the general public.

H. 1. Reporting for work in an unfit condition which precludes the employee from performing the function and duties of any position in city service.

2. Possession of alcohol, cannabis, or illegal controlled substance(s) while at work.

3. Consumption or use of alcohol, cannabis, or illegal or controlled substance(s) during the course of an employee's scheduled workday; provided, however, that it is not a violation of this section to use prescribed or over-the-counter drugs that may affect the discharge of an employee's job duties if the employee first notifies his/her supervisor or human resources of such use.

I. Conviction of a felony or misdemeanor which adversely affects the employee's ability to perform the employee's job requirements.

J. The use of employee's city employment for personal profit, gain or advancement other than the regular and rightful compensation and benefits authorized for the position.

K. Negligent, careless or willful acts which damage or endanger the city's property, equipment or the personal safety of employees or the general public.

L. Improper political activity as defined in this chapter.

M. Willfully or knowingly making a false statement, certificate, mark, rating or report in regard to any test, certificate or appointment held or made under the municipal personnel system, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel rules.

N. No person seeking appointment to or promotion in the city service shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with, a test, appointment, proposed appointment, promotion or proposed promotion.

O. Noncompliance with [outside employment provisions](#) (RMC 2.28.515).

P. Possession or display of a firearm, as defined in RCW 9.41.010, or explosive device in a city building or city vehicle. This subsection does not apply to commissioned police officers.

Q. Any other act or failure to act which, in the judgment of the appointing authority, is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

The human resources director shall promulgate procedures for administering and imposing the discipline required under this section.

2.28.535 Tenure of employment – Unclassified service.

Employees hired or promoted into unclassified service after the effective date of the ordinance codified in this section are employed at the pleasure of the city and continued employment is at the discretion of the appropriate authority or city manager. These employees are considered "at will."

2.28.550 Employment and reemployment rights of members of the uniformed services.

A person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion or any benefit of employment by the city on the basis of that membership, application for membership, performance of service, application for service or obligation. The city, ~~in defining the limitations and interpretation of the Federal Act,~~ will ~~utilize~~ comply with the Uniformed Services Employment and Reemployment Rights Act (USERRA), document H.R. 995 Publication, Public Law 103-353, Title 38, Chapter 43 USC.

~~**2.28.555 Employment conflicting with city interests — Noncompetition clause — Former employee.**~~

~~No person who has served as an employee of the city of Richland shall, for a period of two years from the date of termination or completion of such employment, appear before the city council or receive any compensation for services rendered on behalf of any person, firm, corporation or association in relation to any matter, purchase, sale, proceeding or application with respect to which the former employee was directly concerned and in which the former employee personally participated during the period of employment with the city of Richland. Should such a conflict arise, it shall form the basis for the city to terminate the relationship the city has with the business or individual involved.~~

Article VI. Insurance Benefits

2.28.605 Insurance benefits.

It shall be the policy of the city, subject to the availability of funds, to carry certain insurance policies as a part of employee benefits, where appropriate. The exact terms of coverage shall be negotiated by the city and the insurance companies, and copies of such policies shall be on file in the city clerk's office.

As appropriate and required by law, when an employee is acting in his or her official capacity on city business, the city shall indemnify police officers against damage claims for false arrest, and all employees against claims of errors and omissions.

As appropriate and required by law, when an employee is acting in his or her official capacity on city business, the city shall indemnify all employees against claims for damages for personal injuries or property damages arising out of the operation of any city-owned or -operated motor vehicle.

Article VII. Savings Clause

2.28.845 Savings clause.

Notwithstanding the repeal of Ordinances 34, 96 and 123, any rights or benefits acquired by any employee under the provisions of said ordinances shall remain in full force.

Article VIII. Grievance Procedure

2.28.905 Pre-disciplinary hearing opportunity required.

No classified employee may be subject to a disciplinary action that results in suspension, demotion, reduction in pay or termination from city employment except for cause. Prior to imposition of such disciplinary action, the city shall advise the employee in writing of the charges and provide an explanation of the evidence upon which the proposed disciplinary action is based. The employee is then provided an opportunity for a pre-disciplinary hearing. The city, after consideration of the facts and materials presented at the hearing, shall provide the employee with a written decision of the disciplinary action. If the city's disciplinary decision includes suspension, demotion, reduction in pay or termination, the employee may appeal the disciplinary decision to the personnel committee as provided in RMC 2.28.130.

2.28.906 Personnel committee appeal hearings.

A. An appeal to the personnel committee as authorized under RMC 2.28.130(B) shall be in writing and shall be signed by the employee. The appeal shall include the mailing and street address where service of process and other papers may be made upon the employee. The appeal shall also include the ruling or decision from which the employee appeals, a brief description of the facts giving rise to the appeal, and a concise statement of the reason for the appeal.

B. A written appeal must be filed within 10 calendar days after the decision giving rise to the appeal is made. For purposes of calculating time, the day the decision was made is excluded from the 10-day calculation.

C. Hearings shall be held at such time and place as determined by the committee.

D. All parties to the appeal shall be notified of the hearing date and time no less than 10 calendar days in advance of the hearing.

E. During the appeal hearing, the employee and the appointing authority are entitled to be represented by an attorney; testify under oath; subpoena witnesses to testify; cross-examine witnesses; present affidavits, exhibits or other evidence as the committee deems relevant; and argue the case, either directly or through an attorney. The committee reserves the right, at any time throughout the hearing, to ask any question of any witness or request any evidence on any issue it deems relevant to the matter, regardless of whether the issue was first raised by either party.

F. No fewer than five calendar days before the hearing, each party will provide to the other a list of the witnesses it intends to call at the hearing, and complete copies of all documents it intends to offer at the hearing for the committee's consideration. No other discovery is authorized. The committee may postpone the hearing at the aggrieved party's request if this disclosure is not timely made.

G. At any hearing on appeal from a suspension, demotion, reduction in pay or termination, the city shall have the burden of proving by a preponderance of the evidence that its disciplinary action was for cause. At any other appeal hearing under RMC 2.28.130(B), the employee shall have the burden of proof by a preponderance of the evidence.

H. Hearings will be recorded by a recording device. The services of a court reporter may be secured to record the hearing at the requesting party's expense.

I. Within 10 business days of the conclusion of the hearing, the committee shall issue written findings of fact, conclusions of law, and a recommendation to the city manager on whether the city's action should be affirmed, rescinded or modified. If the committee recommends that the city's action be modified, it will also provide a recommendation as to what specific action should be taken. The city manager may accept, reject or modify the recommendation of the committee in rendering a final determination on the appeal of a classified employee under RMC 2.28.130(B). Such final determination shall be issued to the employee within 10 calendar days of receipt of the committee's findings, conclusions and recommendation. For uniformed personnel under Chapters 41.08 and 41.12 RCW, the committee's recommendation shall be binding on the city manager and subject to further appeal as provided herein.

J. Within 30 calendar days of the date of the personnel committee's determination, firefighters and police officers who are subject to a disciplinary action resulting in suspension, demotion, reduction in pay or termination may appeal the decision of the personnel committee to Benton County superior court by serving the city clerk with a written notice of appeal.

1. The written notice of appeal must include the grounds for appeal and a demand that a certified transcript of the hearing and all papers on file with the committee affecting or relating to its determination be filed with the court.

2. The appellant shall bear the costs associated with procuring a certified transcript of the hearing and the filing fees associated with commencing the appeal in Benton County superior court.

3. Benton County superior court shall hear and determine the appeal in a summary manner on the established record. No new evidence is allowed. The court's review is confined to determining, based on the sufficiency of the evidence, whether the suspension, demotion, reduction in pay or termination was or was not made in good faith for cause. No other grounds for appeal are allowed.

2.28.920 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

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

Section 3. 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 4. 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 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: December 5, 2023

Second Reading: December 19, 2023

Date Published: December 24, 2023



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2023-31, Amending the 2023 Budget in the General Fund, City Streets Fund, Special Lodging Assessment Fund, Public Safety Sales Tax Fund, Broadband Fund, Equipment Replacement Fund, and Workers Compensation Fund

Department/Office
Finance

Ordinance/Resolution Number:
2023-31

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2023-31, amending the 2023 Budget in multiple funds as provided therein.

Summary:

Ordinance 2023-31 includes amendments to the adopted 2023 Budget as follows:

- A traffic Comprehensive Safety Action Plan Update was included in the 2024 budget in the amount of \$40,000. It was deemed necessary to accelerate the appropriation into 2023 to meet the grant application deadline of February 2024.
- Additional ICAC Task Force funding was received from Seattle Police Department in the amount of \$55,000 and must be appropriated for spending.
- Tourism Promotion Area revenues exceeded the budget in 2023. As all proceeds are passed through to Visit Tri-Cities, additional appropriations in the amount of \$200,000 are required.
- Energy costs in the Streets Department were budgeted to drop dramatically in 2023 due to the retrofitting of all streetlights to LED bulbs. Due to the project being completed mid-year in 2023, the budgeted reduction was too high and additional appropriations in the amount of \$250,000 are required for projected 2023 costs.
- Additional appropriations in the amount of \$620,000 are needed in the Workers Compensation Fund due to a significant increase in claims in 2023. This increase is primarily a result of legislative changes.
- Additional appropriations in the amount of \$10,981 are needed to spend a Department of Justice grant received and previously approved by Council.
- Due to supply chain challenges and increasing costs for vehicle purchases over the last few years, additional appropriations in the amount of \$566,828 are needed in the Equipment Replacement Fund. These are vehicles approved for purchase over the last three years that have been carried forward due to long lead times.
- Additional appropriations in the amount of \$55,739 are needed in the Public Safety Sales Tax Fund for vehicle maintenance and operations cost due to the conversion of detective vehicles to patrol vehicles, increased fuel costs, and unexpected repairs.
- Additional appropriations in the amount of \$14,500 are needed in the Broadband Fund for maintenance and operations costs related to an unexpected replacement of a generator fuel system.

Staff recommends approval of Ordinance No. 2023-31 for second reading and passage.

Fiscal Impact:

Ordinance No. 2023-31 will add \$2,103,048 in appropriations to the 2023 Budget. Of this amount, \$555,981 is from new revenue sources and \$1,547,067 is from fund balance.

Attachments:

- I. Ordinance No. 2023-31

ORDINANCE NO. 2023-31

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING THE 2023 BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS IN THE CITY'S GENERAL FUND, CITY STREETS FUND, SPECIAL LODGING ASSESSMENT FUND, PUBLIC SAFETY SALES TAX FUND, BROADBAND FUND, EQUIPMENT REPLACEMENT FUND, AND WORKERS COMPENSATION FUND, AND DECLARING THAT A PUBLIC EMERGENCY EXISTS IN CERTAIN OF THESE FUNDS.

WHEREAS, on November 15, 2022, Richland City Council approved Ordinance No. 2022-39 approving the 2023 Budget; and

WHEREAS, certain additional revenue sources have been identified that were not anticipated when the 2023 Budget was approved, the expenditure of which is not included in current appropriations; and

WHEREAS, certain additional expenditures have been identified as necessary or desirable in the current year that do not have a specific new revenue source; and

WHEREAS, no funds were appropriated for these expenditures; and

WHEREAS, sufficient unappropriated fund balances are available in the funds referred to in Section 2 to support the required budget adjustment; and

WHEREAS, on December 5, 2023, a duly advertised public hearing was held pursuant to RCW 35.33.091 regarding the increase in appropriations from beginning fund balances.

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

Section 1. Facts Constituting Emergency. The expenses contained within this Ordinance were not anticipated when the 2022 Budget was approved.

Section 2. Declaration of Public Emergency. Due to circumstances described above, the City Council declares that a public emergency exists in the General Fund, Equipment Replacement Fund, Public Safety Sales Tax Fund, Broadband Fund and the Workers Compensation Fund.

This space intentionally left blank.

Section 3. Amendment of the 2023 Budget. The 2023 Budget is hereby amended to provide additional appropriations in the following funds, and from the following sources, as indicated:

2023 BUDGET AMENDMENTS

Fund	Fund Title	Current Appropriations	Change In Appropriations	Amended Appropriations	Source	
					Fund Balance	New Revenue
001	GENERAL FUND	\$ 80,623,648	\$ 355,981	\$ 80,979,629	\$ 290,000	\$ 65,981
101	CITY STREETS FUND	4,113,695	290,000	4,403,695	-	290,000
117	PUBLIC SAFETY SALES TAX FUND	2,645,674	55,739	2,701,413	55,739	
151	SPECIAL LODGING ASSESSMENT FUND	550,000	200,000	750,000	-	200,000
408	BROADBAND FUND	3,357,448	14,500	3,371,948	14,500	
503	EQUIPMENT REPLACEMENT FUND	9,836,521	566,828	10,403,349	566,828	-
506	WORKERS COMPENSATION FUND	1,037,536	620,000	1,657,536	620,000	-
TOTAL		\$ 102,164,522	\$ 2,103,048	\$ 104,267,570	\$ 1,547,067	\$ 555,981

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

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: December 5, 2023

Second Reading: December 19, 2023

Date Published: December 24, 2023



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 3 - Increase Economic Vitality

Subject:

Ordinance No. 2023-32, Annexing 1.83 Acres Located at 24907 Dallas Road (Short Plat 793, Lot 3)

Department/Office
Development Services

Ordinance/Resolution Number:
2023-32

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2023-32, annexing 1.83 acres legally described as Short Plat 793, Lot 3 and located at 24907 Dallas Road, and applying residential single family (R-I-10) zoning to said lot.

Summary:

On February 21, 2023, by adoption of Resolution No. 2023-26, Richland City Council accepted a request for annexation of 1.83 acres located at 24907 Dallas Road owned by Ryan Tucker.

At its meeting on July 6, 2023, the Richland City Council authorized the circulation of a petition calling for the annexation of this property. The petition was approved by the Benton County Assessor on July 14, 2023.

Resolution No. 2023-148 set the public hearing date for December 5, 2023 during the City Council's regularly scheduled meeting.

This is the first reading of Ordinance No. 2023-32 to accept the proposed annexation of 1.83 Acres of Short Plat 793, Lot 3 and applying single family residential (R-I-10) zoning consistent with the recommendation of the Richland Planning Commission.

Staff recommends approval of Ordinance No. 2023-32 for second reading and passage.

Fiscal Impact: The approval of the annexation alone will not create a substantial fiscal impact to the City. Future investment in public infrastructure will have a fiscal impact and development of the annexed property may result in an additional revenue in the form of land sales, sales taxes, and property taxes.

Attachments:

1. Ordinance No. 2023-32
2. Staff Report - 24907 Dallas Road Annexation (ANX2022-102)

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-07
Richland, WA 99352

ORDINANCE NO. 2023-32

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, ANNEXING APPROXIMATELY 1.83 ACRES OF LAND LOCATED AT SHORT PLAT 739, LOT 3, WITHIN PORTIONS OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON, PROVIDING FOR ASSUMPTION OF EXISTING CITY INDEBTEDNESS, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF RICHLAND.

WHEREAS, the City received a notice of intent to annex from Ryan Tucker, owner of real property located at or near 24907 Dallas Road, the value of which constituted 100% of the proposed annexation area and so qualified to commence annexation proceedings for annexation into the City of Richland; and

WHEREAS, on February 21, 2023, a meeting was held between the initiating party of this annexation and the Richland City Council, at which time the Council adopted Resolution No. 2023-26, accepting the notice of intent to commence annexation proceedings for the real property legally described in **Exhibit A** attached hereto, subject to simultaneous adoption of the Comprehensive Plan for the proposed annexation area, and the assumption of the appropriate share of all existing City indebtedness; and

WHEREAS, Resolution No. 2023-26 further authorized and directed the Richland Planning Commission to develop and forward a recommendation to the Richland City Council as to the most appropriate zoning designation for the area proposed to be annexed; and

WHEREAS, the Richland Planning Commission held a public hearing on March 22, 2023 to consider an appropriate zoning designation for the proposed annexation area, and recommended adoption of R-1-10 (single-family residential – 10,000) zoning for the property; and

WHEREAS, on July 6, 2023, Richland City Council adopted Resolution No. 2023-108, authorizing the circulation of an annexation petition for annexation of the real property legally described in **Exhibit A** attached hereto; and

WHEREAS, a petition was circulated and signed by the property owner representing 100% of the assessed value of the proposed annexation area, thereby exceeding the state requirement that owners representing at least sixty percent (60%) of the value of the proposed annexation area petition the City for annexation, with such value determined according to the assessed valuation for general taxation; and

WHEREAS, the Richland City Council held a public hearing to consider the annexation on December 5, 2023, which hearing was duly noticed by the City Clerk through publication in a newspaper of general circulation and through the mailing of notice to all property owners within the annexation area, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the matter was duly considered by the Richland City Council, and the Council has determined that the annexation would be of general benefit to the residents of the City of Richland.

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

Section 1. The real property legally described in **Exhibit A** attached hereto is hereby annexed to the City of Richland and is hereby declared to be within the corporate limits of the City of Richland, Benton County, Washington (the “Annexed Area”).

Section 2. The Richland Comprehensive Plan adopted October 3, 2017 by passage of Ordinance No. 45-17, as amended, shall serve as the comprehensive plan for the Annexed Area. All property within the Annexed Area shall be designated as “Residential” under the land use map that is part of the Richland Comprehensive Plan.

Section 3. It is hereby found, as an exercise of the City's police power, that the best zoning for the properties included in the Annexed Area shall be single-family residential – 10,000 (R-1-10) as depicted on **Exhibit B**, attached hereto, when consideration is given to the interest of the general public.

Section 4. The property within the Annexed Area shall be assessed and taxed at the same rate and on the same basis as other property within the City, including assessments or taxes in payment

for all or of any portion of the outstanding indebtedness of the City, approved by the voters, contracted, or incurred prior to, or existing at the date of annexation.

Section 5. Title 23 of the City of Richland Municipal Code and the Official Zoning Map of the City of Richland, as adopted by Section 23.08.040 of said title, are hereby amended by amending **Sectional Map No. 18**, part of a series of maps constituting said Official Zoning Map, as shown on the attached **Exhibit B** bearing the number 18 together with the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City.

Section 6. The City Clerk is directed to file a copy of this annexation with the Board of Commissioners of Benton County and the State of Washington in the manner required by law. The City Clerk is also directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and shall attach the amended sectional map and an amended Annexation map, duly certified by the City Clerk as a true copy.

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. 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 9. 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 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: December 5, 2023

Second Reading: December 19, 2023

Date Published: December 24, 2023

EXHIBIT A

Legal Description for Short Plat 739, Lot 3 Annexation

The Short Plat 739, Lot 3 annexation consists of the following:

SHORT PLAT NO. 739, LOT 3,

A PORTION OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

This description includes the following County Parcel Identification Numbers:

120983010739003

R-1-10 Zoning



STAFF REPORT

TO: CITY COUNCIL
FILE NO.: ANX2022-102

PREPARED BY: MATTHEW HOWIE
MEETING DATE: DECEMBER 5, 2023

GENERAL INFORMATION:

APPLICANT: RYAN TUCKER (ANX2022-102).

REQUEST: CONSIDERATION OF A PROPOSED ANNEXATION OF APPROXIMATELY 1.83 ACRES.

LOCATION: SHORT PLAT NO. 739, LOT 3, A PORTION OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

REASON FOR REQUEST:

The City is currently considering the annexation of approximately 1.83-acres of land owned by Ryan Tucker at 24907 Dallas Road, Richland, WA. City Council authorized the annexation process to begin through the adoption of Resolution No. 2023-26, which directed the Planning Commission to consider what zoning would be appropriate for this site. On March 22, 2023 the Planning Commission conducted a public hearing and determined that due to the proposed use of the property in question the best zoning designation would be single-family residential – 10,000 (R-1-10)

SITE DATA

Size: Approximately 1.83 acres.

Ownership: Currently owned by Ryan Tucker.

Current Use: The proposed annexation site is currently developed with one complete single-family residence and a 2,500 square foot detached accessory structure, which has previously been used for the operations of a business as well as living quarters. Upon approval of the annexation request, the applicant has indicated that the accessory structure will no longer be used for business or living activities.

Comprehensive Plan: The site is within the City of Richland's adopted Urban Growth Area (UGA) boundary and is designated as Low-Density Residential by the Richland Comprehensive Plan.

Utilities: City water, city sewer and city electrical services are available in the vicinity to serve the proposed annexation area. Water was stubbed to the property

during the buildout of the White Bluffs subdivision. Property is currently on well and septic system.

Existing County Zoning: Urban Growth Area Residential District.

SURROUNDING LAND USES

North: RL-5, Rural Lands Five Acre District, across Dallas Road in County

East: R-1-10, single-family residential use, White Bluffs subdivision

South: UGAR, Urban Growth Area Residential District, in UGA, in County

West: RL-5, Rural Lands Five Acre District, across Dallas Road in County

PROPOSED ZONING

Based on the property's shape, size, and topography it has limited development potential. The site slopes down sixty (60) feet from Dallas Road to its lowest point at the southeast corner of the lot. The Owner has requested (and the Richland Planning Commission recommends) R-1-10 zoning and has indicated that he has no future development plans outside of the existing single-family residence and detached accessory structure. R-1-10 is a residential zoning category accommodating only low density housing, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Likewise, the R-1-10 designation is intended to be applied where designated Low-Density Residential (zero to five dwellings per acre) is recommended under the City of Richland Comprehensive Plan. This property is already designated as Low-Density Residential by the Comprehensive Plan. Finally, all neighboring properties east of Dallas Road are likewise both zoned R-1-10, and under the Low-Density Residential designation in the Comprehensive Plan, so this choice of zoning would be contextually appropriate as well.

ANALYSIS

Zoning designations R-1-12 and SAG (Suburban Agriculture) would also serve as appropriate based on the applicant's proposed use, intensity of use, generous lot size, topographic limitations, and the Comprehensive Plan's existing Land Use designation for the property as Low-Density Residential. Only compared contextually with its neighbors in White Bluffs subdivision would the R-1-12 and SAG designations distinguish themselves from the recommended R-1-10 designation.

SUMMARY

Application of R-1-10 zoning represents the most appropriate zoning designation for the proposed annexation area as it would be most-consistent with the City's Comprehensive Plan and existing development pattern within the proposed annexation area.

FINDINGS OF FACT

1. The site is within the City of Richland's Urban Growth Area boundary as those boundaries were established with the adoption of the Benton County Comprehensive Plan in 1998 and subsequent periodic updates;
2. The City's Comprehensive Plan designates the proposed annexation area as suitable for Low-Density Residential;
3. There are three zoning districts that can be applied to the property that would implement the Low-Density Residential Comprehensive Plan designation;
4. The Low-Density Residential land use designation allows for single family residential (R-1-10 and R-1-12) and suburban agricultural (SAG) zoning;
5. The approximately 1.83 acres of land subject to the proposed annexation request are currently partially developed;
6. Properties located east of the proposed annexation area that are within the City of Richland are zoned single-family residential (R-1-10);
7. Properties located to the west and to the north, which are located within unincorporated Benton County are currently zoned Urban Growth Area Residential District (UGAR) and Rural Lands Five Acre District (RL-5)
8. The Richland Planning Commission conducted a public hearing on March 22, 2023 to determine which zoning district best represents the overall interests of the city. The single-family residential – 10,000 (R-1-10) district has been recommended to the City Council.
9. The Benton County Assessor's Office certified that 100% of the property ownership was subject to the annexation petition/application.

CONCLUSIONS OF LAW:

1. Based on the above findings of fact, assignment of R-1-10 zoning would be in the best interest of the City of Richland.
2. The Richland City Council's legislative powers provides the authority for the Council to approve/deny the annexation request.

RECOMMENDATION

Staff recommends the Richland City Council concur with the findings and conclusions set forth in Staff Report (ANX2022-102) and recommend to the City Council assignment of single-family (R-1-10) zoning.

ATTACHMENTS

1. Annexation Request Letter
2. Resolution No. 2023-16
3. Resolution No. 2023-26
4. Purpose of Use Districts
5. Vicinity Map
6. Richland Zoning Map
7. Resolution No. 2023-108
8. Resolution No. 2023-148
9. Fiscal Impact Analysis



Exhibit I

Annexation Request Letter

APPLICATION LETTER FOR VOLUNTARY ANNEXATION OF TUCKER PROPERTY
24907 DALLAS RD, SHORT PLAT 739, LOT3

Mr. Mike Stevens
Planning Manager
City of Richland Development Services Dept.
625 Swift Boulevard, MS-35
Richland, WA 99352

Dear Mr. Mike Stevens :

As the owners of the below-referenced property, please accept this letter as a formal request by us to annex into the City of Richland. The 1.83-acre property is located at 24907 Dallas Road, Richland WA 99352. Benton County Parcel Tax I.D. No. 1-2098-301-0739-003. Legal Description (Short Plat 739, Lot 3). See attached maps for property location reference.

If you have any questions about this application for annexation, please call me at 509-308-2239.

Whatever your decision, please accept my sincere thanks for your time and consideration of my request.

Sincerely,



Ryan Tucker



Application for Annexation

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

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: Ryan Tucker

Address: 24907 Dallas Rd, Richland WA 99352

Phone: 509-308-2239

Email: Safeset1@hotmai.com

APPLICANT INFORMATION (if different)

☐ Contact Person

Company:

UBI#

Contact:

Address:

Phone:

Email:

DESCRIPTION OF REQUEST

Connect to the City water system and annex to City of Richland.

PROPERTY INFORMATION

Parcel #: 1-20983010739003

Legal Description:

SHORT PLAT 739, LOT 3

Current Comp. Plan: LDR

Requested Zoning: R-1-10

Size of Property: 79,952 ☒

Domestic Water Supply: ☐ City ☒ Private Well

Sewage Disposal: ☐ City ☒ Septic

Irrigation Source: ☐ City ☒ Private Well ☐ Columbia Irrig. District ☐ Kennewick Irrig. District ☐ BMID

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. A "Notice of Intent" form requesting annexation to the City of Richland
3. Full legal description of the proposed annexation area
4. A map showing all of the following: general vicinity of proposed annexation in relation to the City of Richland, the proposed boundaries of the annexation, and all public roads near the annexation area
5. Other information as determined by the Administrator

ANSWER QUESTIONS BELOW AS COMPLETELY AS POSSIBLE – USE ADDITIONAL SHEET(S) IF NECESSARY

Why are you requesting annexation into the City of Richland?

Building a single family residence and we would like to get on the city water system. Water was stubbed to my property by RC of Washington as part of the White Bluffs Subdivision.

What use, building or structure is intended for the property?

Single Family Dwelling

What changes have occurred in the area that justify the requested annexation?

White Bluffs Subdivision brought in city utilities close to my county property.

Are there any other properties in your neighborhood that could be part of your annexation request? If so, have you spoken to the owners about joining your annexation request?

One lot. Spoke to neighbor

~~None at this time~~

He is not interested in annexation.

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

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

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

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

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of 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: Ryan Tucker

Applicant Signature:  Date 9-12-22



Exhibit 2

Resolution No. 2023-16

RESOLUTION NO. 2023-16

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON
SETTING A MEETING DATE TO REVIEW A PROPOSED
ANNEXATION OF 1.83 ACRES KNOWN AS SHORT PLAT 739, LOT
3, LOCATED WITHIN PORTIONS OF SECTION 20, TOWNSHIP 9
NORTH, RANGE 28 EAST, W.M., BENTON COUNTY,
WASHINGTON.**

WHEREAS, the City received a written request for annexation of 1.83 acres of property owned by Ryan Tucker legally described as Lot 3 of Short Plat 739 in Benton County, Washington; and

WHEREAS, Richland City Council was presented with the request at its regular meeting on February 7, 2023; and

WHEREAS, RCW 35.13.125 requires the legislative body to set a date for a meeting with the annexation petitioners.

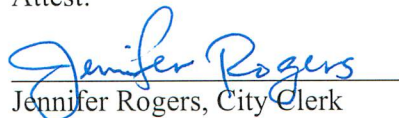
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regular meeting date of **February 21, 2023** at or after **6:00 p.m.** is hereby established as the date on which the Richland City Council will meet with the annexation petitioners.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 7th day of February, 2023.


Terry Christensen, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:

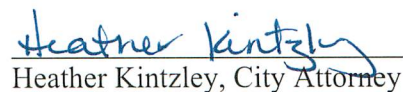

Heather Kintzley, City Attorney



Exhibit 3

Resolution No. 2023-26

RESOLUTION NO. 2023-26

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, ACCEPTING A REQUEST FOR ANNEXATION OF 1.83 ACRES KNOWN AS SHORT PLAT 739, LOT 3, LOCATED WITHIN PORTIONS OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

WHEREAS, owner Ryan Tucker submitted a written request for annexation of 1.83 acres of property legally described as Lot 3 of Short Plat 739 in Benton County, Washington; and

WHEREAS, on February 7, 2023, Richland City Council was presented with the request for annexation and passed Resolution No. 2023-16, establishing February 21, 2023 as the date for Council to meet with the proponent of the annexation; and

WHEREAS, as required by RCW 35.13.125, Richland City Council met with the annexation proponent on February 21, 2023 and reviewed the proposed annexation.

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

Section 1. The City of Richland hereby accepts the request for annexation subject to the following conditions:

1. That the annexation is accepted as proposed.
2. That simultaneous adoption of the City's Comprehensive Plan for the proposed annexation is required.
3. That the City requires the assumption of an appropriate share of all existing City indebtedness by the area to be annexed.

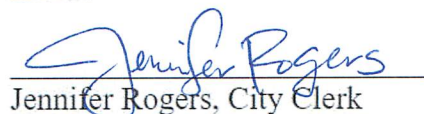
Section 2. The Richland Planning Commission is hereby directed to review the proposal and forward a recommendation to City Council as to the most appropriate zoning designation for the area proposed for annexation.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 21st day of February, 2023.


Terry Christensen, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:

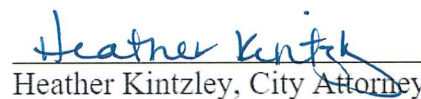

Heather Kintzley, City Attorney



Exhibit 4

Purpose of Use Districts

23.14.010 Purpose of agricultural use districts.

A. The agricultural use district (AG) is a primary zone classification permitting essentially open land uses such as grazing lands or pasture, agriculture, and development of part-time small tract farming and other compatible uses of an open nature such as a cemetery, park, and recreational or similar uses on land which has favorable combinations of slope, climate, availability of water, or soil conditions. This zoning classification is intended to be applied to some portions of the city that are designated as agriculture or as urban reserve under the city of Richland comprehensive plan.

B. The suburban agricultural use district (SAG) is a zone classification providing for residential areas, rural in nature, with sufficiently large lots to allow for the maintenance of certain animals and farm crops, while at the same time establishing and maintaining a living environment of high standards for residential uses. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].

23.18.010 Purpose of residential use districts.

Five residential zone classifications permit a variety of housing and population densities without conflict. Protection is provided against hazards, objectionable influences, traffic, building congestion and lack of light, air and privacy. Certain essential and compatible public service installations are permitted in residential use districts.

A. The single-family residential – 12,000 (R-1-12) is a residential zone classification requiring the lowest density of population within the city, providing protection against hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

B. The single-family residential – 10,000 (R-1-10) is a residential zone classification requiring a low density of population, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

C. The medium-density residential (R-2) is a residential zone classification permitting a higher density of population including the establishment of duplex dwellings and providing for these single-and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

D. The medium-density residential small lot (R-2S) is a residential zone classification permitting a higher density of population, encouraging small lot development conducive to energy conservation and to other factors contributing to the production of affordable housing, and including the establishment of duplex dwellings and providing for these one- and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan.

E. The multiple-family residential use district (R-3) is a residential zone classification allowing for the location of multiple-family dwellings, duplexes and attached and detached one-family dwellings and providing a high degree of protection for such uses and adjacent low-density residential development. This classification shall be designed to give protection from hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and installations are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated high-density residential (10.1 or more dwellings per acre) under the city of Richland comprehensive plan. [Ord. 28-05 § 1.02].



Exhibit 5

Vicinity Map

Vicinity Map

Item: Short Plat 739, Lot 3
Applicant: Ryan Tucker
File #: ANX2022-102



0 250 500 Feet

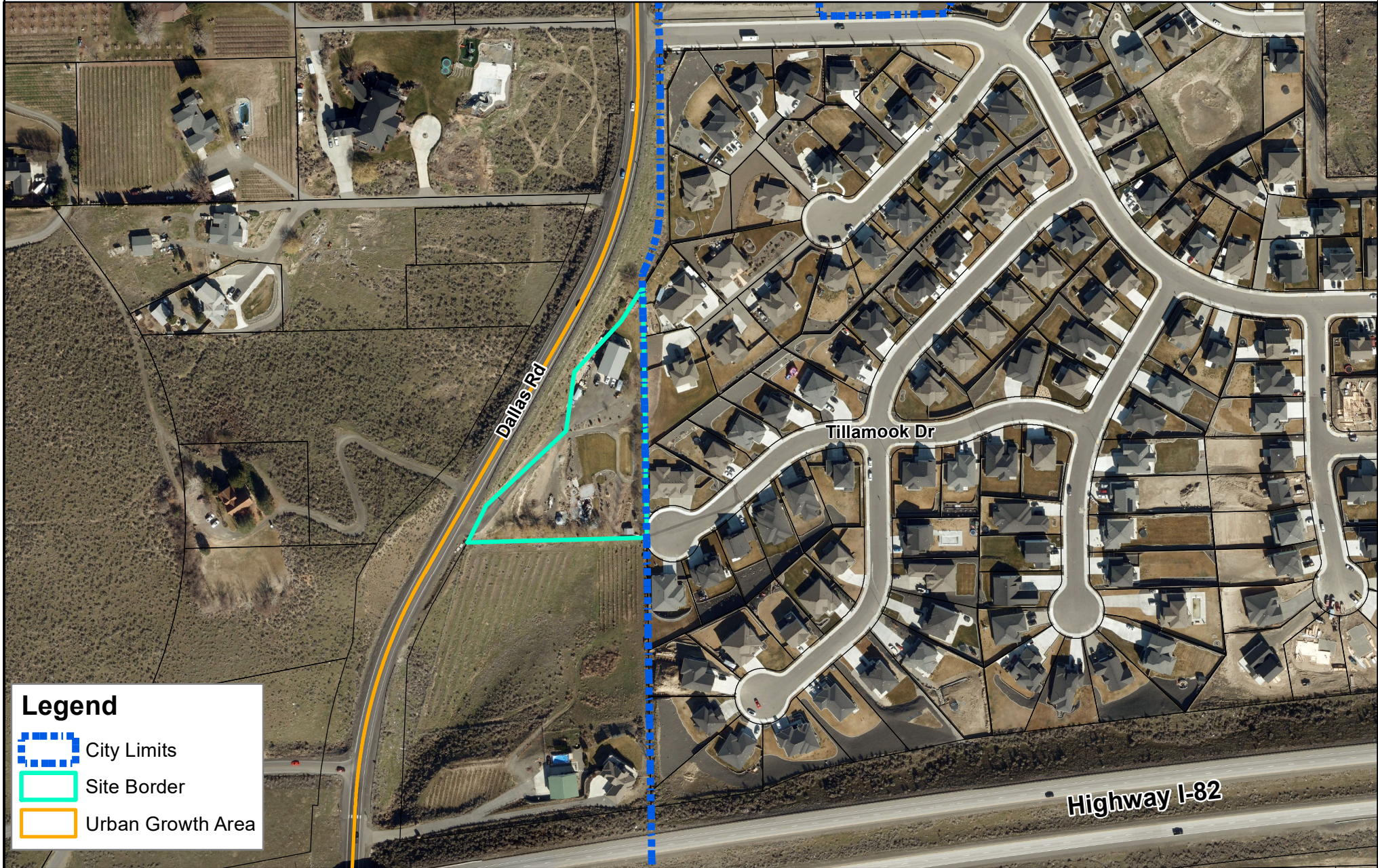




Exhibit 6

Richland Zoning Map

Zoning Map

Item: Short Plat 739, Lot 3
Applicant: Ryan Tucker
File #: ANX2022-102



0 250 500 Feet





Exhibit 7

Resolution No. 2023-108

RESOLUTION NO. 2023-108

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING THE CIRCULATION OF A PETITION
PROPOSING ANNEXATION OF APPROXIMATELY 1.83 ACRES
KNOWN AS LOT 3 OF SHORT PLAT 739, LOCATED WITHIN
PORTIONS OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28
EAST, W.M., BENTON COUNTY, WASHINGTON.**

WHEREAS, Richland City Council has, through adoption of Resolution No. 2023-26 on February 21, 2023, accepted a request for the annexation of 1.83 acres located at or near 24907 Dallas Road; and

WHEREAS, the Richland Planning Commission held a public hearing on March 22, 2023 to consider appropriate zoning designations for the proposed annexation area, thus fulfilling the directives included in Resolution No. 2023-26.

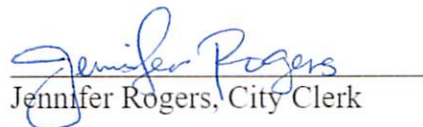
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that circulation of the attached petition calling for the annexation of the 1.83 acres located at or near 24907 Dallas Road is hereby authorized.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a special meeting on the 6th day of July, 2023.


Terry Christensen, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

**PETITION FOR ANNEXATION
TO CITY OF RICHLAND, WASHINGTON**

Proposed Annexation Name: **Short Plat 739, Lot 3**

The Honorable Mayor and City Council:

WE, the undersigned, who are the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation, of the real property geographically depicted on the map attached hereto as Exhibit 1 and legally described in Exhibit 2 attached hereto, lying contiguous to the City of Richland, Washington, do hereby petition that such territory be annexed to and made a part of the City of Richland under the provisions of RCW 35.13.130 et. seq. A list of all assessors' tax parcel numbers of the parcels within the proposed annexation area, the record owner of each parcel, and the assessed value of each parcel is set forth in Exhibit 3.

Prior to the circulation of this petition, a meeting was held on the twenty-first day of February, 2023, between the initiating parties of this annexation and the Council of the City of Richland, at which time the Council passed Resolution No. 2023-26, accepting the notice of intention to commence annexation proceedings for the real property geographically depicted on the map attached hereto as Exhibit 1 and legally described in Exhibit 2 attached hereto. Resolution No. 2023-26 also (1) required that the annexation be accepted as proposed; (2) required the simultaneous adoption of the City's Comprehensive Plan to serve as the Comprehensive Plan for the proposed annexation area; (3) required the assumption of an appropriate share of all existing indebtedness of the City by the area to be annexed upon annexation authorized; and (4) directed the Planning Commission to propose and forward a recommendation to the City Council as to the most appropriate zoning designation for the area proposed to be annexed.

On March 22, 2023, the Richland Planning Commission conducted a public meeting and recommended that R-1-10 Single Family Residential zoning was the most appropriate zoning designation for the proposed annexation area. On July 6, 2023, the Council passed a resolution authorizing the circulation of an annexation petition for annexation of the real property geographically depicted on the map attached hereto as Exhibit 1 and legally described in Exhibit 2 attached hereto.

WHEREFORE, petitioners pray that the City Council of the City of Richland, Washington entertain this petition, fix a date for a public hearing hereon, and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the City, and to post the notice in three public places within the area proposed for annexation specifying the time and place of the hearing and inviting all interested persons to appear and voice approval or disapproval of the annexation.

INSTRUCTIONS FOR SIGNING PETITION

The following conditions should be noted for those signing the petition as owners of property:

1. Each signature shall be executed in ink or indelible pencil and shall be followed by the name of the signer, the date of signing, and the property description of the property within the proposed annexation owned by the signor.
2. The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;
3. In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;
4. In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;
5. Any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority.
6. When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the equivalent to the signature of the owner of the property; and
7. When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. *See RCW 35.21.005.*

Assessor's Parcel Numbers: 120983010739003

Property Owners:.....RYAN TUCKER

Site Address:.....24907 DALLAS ROAD

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

Signature: By: _____ **Date:** _____

Name of Person Signing: _____

EXHIBIT 1
Proposed Short Plat 739, Lot 3 Annexation

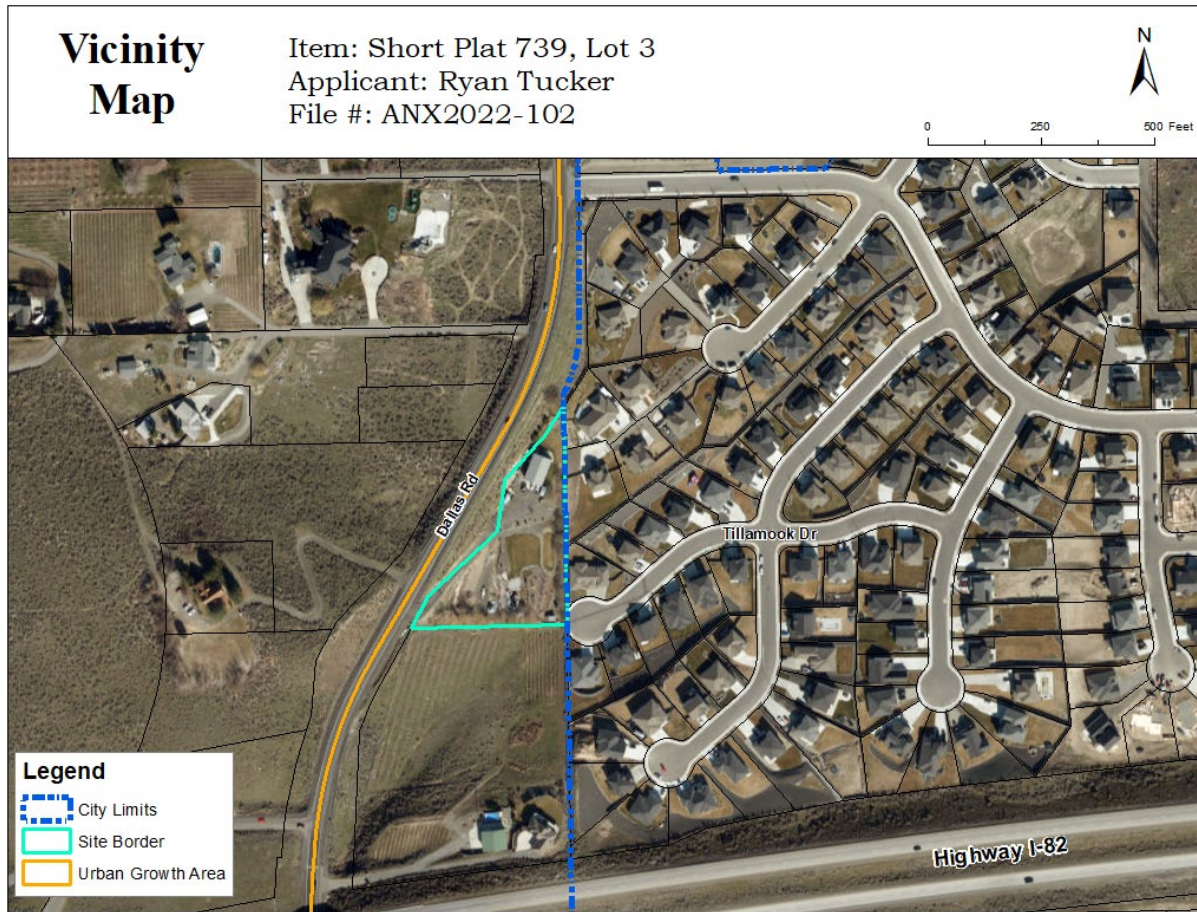


EXHIBIT 2

Legal Description for Short Plat 739, Lot 3 Annexation

The Short Plat 739, Lot 3 annexation consists of the following:

SHORT PLAT NO. 739, LOT 3,

A PORTION OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

This description includes the following County Parcel Identification Numbers:

120983010739003

EXHIBIT 3
Proposed Short Plat 739, Lot 3 Annexation

Parcel #	Owner	Parcel Address	Lot Size (ft ²)	Assessed Value
120983010739003	Ryan Tucker	27907 Dallas Road	79774.02	\$205,110



Exhibit 8

Resolution No. 2023-148

RESOLUTION NO. 2023-148

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON
SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE
PROPOSED ANNEXATION OF APPROXIMATELY 1.83 ACRES
KNOWN AS LOT 3 OF SHORT PLAT 739, LOCATED WITHIN
PORTIONS OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28
EAST, W.M., BENTON COUNTY, WASHINGTON.**

WHEREAS, a petition for annexation to the City of Richland has been received from the owners representing one hundred percent (100%) of valuation for the annexation of the described property, attached hereto as **Exhibit A**; and

WHEREAS, RCW 35.13.130 sets forth requirements that an annexation petition must be signed by the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation, of the property for which annexation is petitioned; and

WHEREAS, such petition was duly certified by the Benton County Assessor on July 14, 2023.

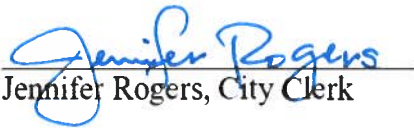
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the regularly scheduled City Council meeting to be held beginning at **6:00 p.m. on December 5, 2023** is hereby established as the date on which Council will conduct a public hearing to consider the annexation petition.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of September, 2023.


Terry Christensen, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:

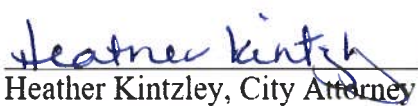

Heather Kintzley, City Attorney

Exhibit A

PETITION FOR ANNEXATION TO CITY OF RICHLAND, WASHINGTON

Proposed Annexation Name: **Short Plat 739, Lot 3**

The Honorable Mayor and City Council:

WE, the undersigned, who are the owners of not less than sixty percent (60%) in value, according to the assessed valuation for general taxation, of the real property geographically depicted on the map attached hereto as Exhibit 1 and legally described in Exhibit 2 attached hereto, lying contiguous to the City of Richland, Washington, do hereby petition that such territory be annexed to and made a part of the City of Richland under the provisions of RCW 35.13.130 et. seq. A list of all assessors' tax parcel numbers of the parcels within the proposed annexation area, the record owner of each parcel, and the assessed value of each parcel is set forth in Exhibit 3.

Prior to the circulation of this petition, a meeting was held on the twenty-first day of February, 2023, between the initiating parties of this annexation and the Council of the City of Richland, at which time the Council passed Resolution No. 2023-26, accepting the notice of intention to commence annexation proceedings for the real property geographically depicted on the map attached hereto as Exhibit 1 and legally described in Exhibit 2 attached hereto. Resolution No. 2023-26 also (1) required that the annexation be accepted as proposed; (2) required the simultaneous adoption of the City's Comprehensive Plan to serve as the Comprehensive Plan for the proposed annexation area; (3) required the assumption of an appropriate share of all existing indebtedness of the City by the area to be annexed upon annexation authorized; and (4) directed the Planning Commission to propose and forward a recommendation to the City Council as to the most appropriate zoning designation for the area proposed to be annexed.

On March 22, 2023, the Richland Planning Commission conducted a public meeting and recommended that R-1-10 Single Family Residential zoning was the most appropriate zoning designation for the proposed annexation area. On July 6, 2023, the Council passed a resolution authorizing the circulation of an annexation petition for annexation of the real property geographically depicted on the map attached hereto as Exhibit 1 and legally described in Exhibit 2 attached hereto.

WHEREFORE, petitioners pray that the City Council of the City of Richland, Washington entertain this petition, fix a date for a public hearing hereon, and cause notice of the hearing to be published in one or more issues of a newspaper of general circulation in the City, and to post the notice in three public places within the area proposed for annexation specifying the time and place of the hearing and inviting all interested persons to appear and voice approval or disapproval of the annexation.

INSTRUCTIONS FOR SIGNING PETITION

The following conditions should be noted for those signing the petition as owners of property:

1. Each signature shall be executed in ink or indelible pencil and shall be followed by the name of the signer, the date of signing, and the property description of the property within the proposed annexation owned by the signor.
2. The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;
3. In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;
4. In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;
5. Any officer of a corporation owning land within the area involved, who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign under oath on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority.
6. When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the equivalent to the signature of the owner of the property; and
7. When a parcel of property is owned by multiple owners, the signature of an owner designated by the multiple owners is sufficient.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. *See RCW 35.21.005.*

Assessor's Parcel Numbers: 120983010739003

Property Owners:.....RYAN TUCKER

Site Address:.....24907 DALLAS ROAD

Signature: By: *Ryan Tucker* Date: 7-11-23

Name of Person Signing: Ryan Tucker

Signature: By: *Lacey Tucker* Date: 7-11-23

Name of Person Signing: Lacey TUCKER

EXHIBIT 1
Proposed Short Plat 739, Lot 3 Annexation

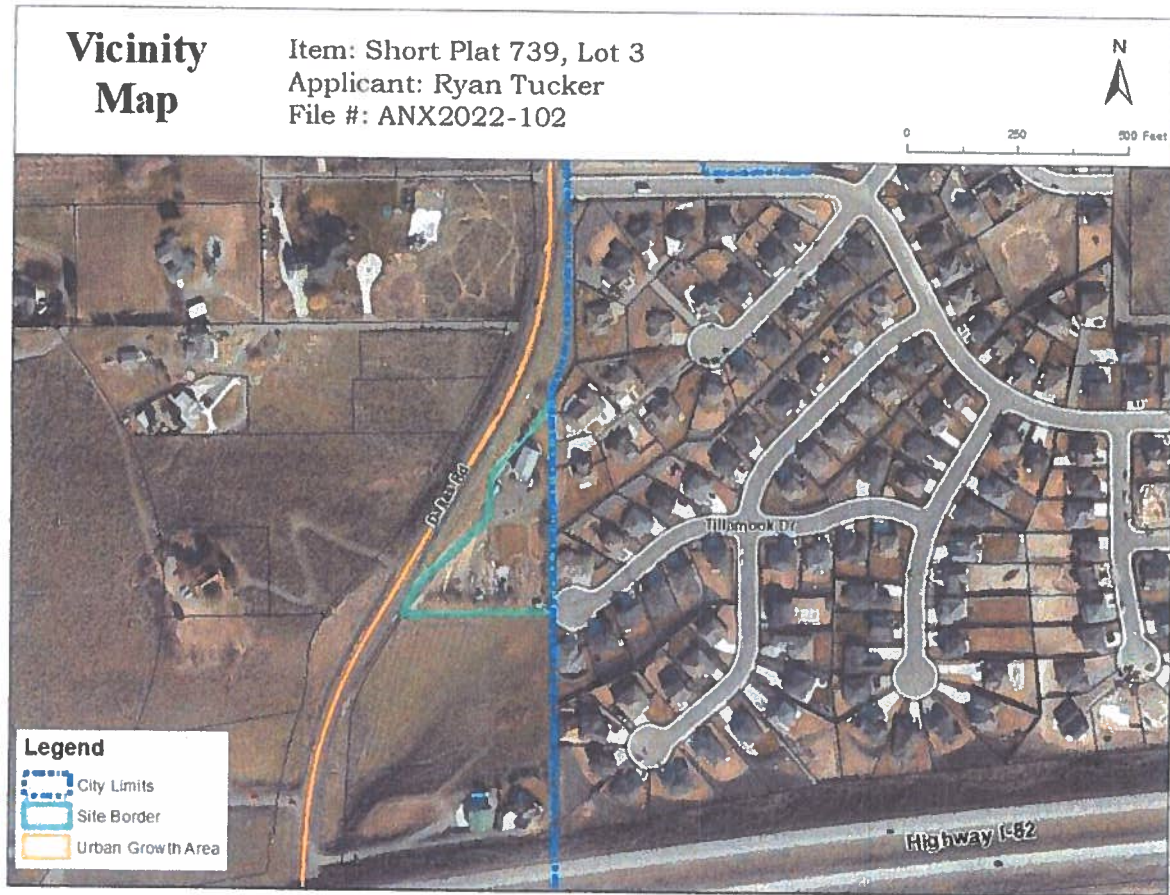


EXHIBIT 2
Legal Description for Short Plat 739, Lot 3 Annexation

The Short Plat 739, Lot 3 annexation consists of the following:

SHORT PLAT NO. 739, LOT 3,

A PORTION OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, WASHINGTON.

This description includes the following County Parcel Identification Numbers:

120983010739003

EXHIBIT 3
Proposed Short Plat 739, Lot 3 Annexation

Parcel #	Owner	Parcel Address	Lot Size (ft²)	Assessed Value
120983010739003	Ryan Tucker	24907 Dallas Road	79774.02	\$205,110



Exhibit 9

Fiscal Impact Analysis

FISCAL IMPACT – PROPOSED TUCKER ANNEXATION
24907 DALLAS ROAD
ANX2022-102
December 5, 2023

INTRODUCTION

This fiscal analysis has been prepared by Staff to identify the impacts of the proposed Tucker Annexation to the City. The following is a summary of the analysis that was completed and an explanation of the assumptions used in this analysis.

The analysis included in this report focuses on the potential impacts of the annexation to the City's General Fund. Enterprise funds such as medical services, electrical, water, sewer and storm drainage are, by their nature, self-sustaining and, as such, should have neither a significant positive or negative fiscal impact on the City.

REVENUES

The revenue that would be generated by the proposed annexation is largely dependent on the amount of development that occurs in the area over time. Given the lot sizes, locations of existing development and topography of the area it is possible, however unlikely, that subsequent to this annexation request, the applicant could subdivide and create additional building lots. *Table 1* provides an estimate of the revenues that would be produced from the annexation area based on the existing level of development. *Table 2* provides a revenue estimate at full build-out of the annexation area and is substantially the same as *Table 1* given the reasons noted above.

Table 1 – 2023 Projected Revenue

<u>Revenue Source</u>	<u>Rate</u>	<u>Basis</u>	<u>Annual Amount</u>
Property Tax	0.21733%	\$205,110 2023 assessed value	\$445.77
Permit Fees ¹	\$45.88/person	4 persons	\$183.52
Utility Taxes ²	\$226.33/person	Water & sewer currently provided	\$905.32
Sales Taxes ³	\$321.72/person	4 persons	\$1286.88
Total			\$2821.49

Table 1 & 2 Notes:

1. Permit fees are based on the total 2023 adopted budget figures for licenses and permits, (\$2,778,500) divided by the current (2020 Census) population (60,560 persons).
2. Utility taxes based on adopted budget figures for total utility tax revenue (\$13,706,798) divided by estimated number of current (2020 Census) population (60,560 persons).
3. Sales tax determined by total sales and use tax revenue (\$19,483,450) divided by the current (2020 Census) population (60,560 persons).

Table 2 – Projected Revenue – Full Build-Out

<u>Revenue Source</u>	<u>Rate</u>	<u>Basis</u>	<u>Annual Amount</u>
Property Tax	0.21733%	\$205,110 2023 assessed value	\$445.77
Permit Fees ¹	\$45.88/person	23 persons	\$1,055.24
Utility Taxes ²	\$226.33/person	23 persons	\$5,205.59
Sales Taxes ³	\$321.72/person	23 persons	\$7,399.56
Total			\$14,106.16

Table 2 Assumptions:

- Assumes property has been advantageously graded and cleared in preparation for full redevelopment. Per City records, lot is 79,774 square feet. R-1-10 zoning could allow the subdivision and construction of 9 residential lots on the existing property, though again, this is likely impossible due to the shape and topography of the parcel.
- Average value of new construction for a single-family residence is \$411,106 for the period of 10/1/22-9/30/23 according to building permit activity records.
- Assumes 2.55 persons/household (5-year ACS Estimate).
- Assumes all residences will be served by newly-installed City utilities.

The existing lot subject to the annexation contains a single-family residence with shed space. The lot is approximately 1.83 acres in size and because of the shape of the lot and the topography in the area it is unlikely, however not impossible, that new residential development (subdivision) would occur in this area. The two tables are offered as a comparison of revenues that would be generated from the area based on its existing and potential levels of development. The increases in *Table 2* are attributed to staff using the 5-year ACS estimate of 2.55 persons per household within the City of Richland, rather than the existing 4 persons/household that currently reside on premise in the Tucker household.

PUBLIC ASSETS

Existing Infrastructure

Access to the existing parcel is via a private driveway which extends east from Dallas Road. An 8-inch gravity sewer main is located to the east of the proposed annexation area within the Tillamook Drive right-of-way. There is also a 1-inch domestic water service extended to the Tucker property line from Tillamook Drive. City of Richland electrical services have already been extended to the newly-built Tucker residence. Finally, Cascade Natural Gas has a stubbed 2-inch main line within the Tillamook Drive cul-de-sac easement and fiber internet is within the Dallas Road right-of-way.

Demands for New and Expanded Infrastructure

As development would occur within the area, water, sewer and electrical services would be extended to serve new development. New roadways would need to be constructed within the site and additional traffic created by new development would add to existing traffic volumes on City streets. New development would also trigger requirements for installation of storm drainage facilities and street lighting. Additional demands would be placed on the City's parks and open spaces. The developer would be responsible for the extension of City utilities, access roads, storm drainage facilities, street lighting, park dedication and/or payment of park fees.

The City’s present system of development regulation and permitting ensures that, to a large degree, new residents are paying for the costs associated with the extension and expansion of City infrastructure. It also helps ensure that new development will not occur unless appropriate infrastructure improvements are put in place.

EXISTING SERVICES

Presently, the proposed annexation area is served by the following entities:

Service	Service Provider
Fire & Emergency Service	Benton County Fire District #4
Police Services	Benton County Sheriff’s Department
Electrical Service	City of Richland
Water Service	Private Well
Sewer Service	On-Site Septic System
Solid Waste Disposal	Basin Disposal

FUTURE DEMAND FOR SERVICES

In the unlikely event that future development of the proposed annexation area occurs, future demands would be placed on City services. Emergency fire/medical protection would be provided from South Richland Station #74. As population increases, there would be more calls for service within the area.

City utility services, including water, sewer, storm drainage, power, and garbage would see increased demand if additional development was possible. Present capacity of the City systems could accommodate increased demand as growth was anticipated and planned for in the City Comprehensive Plan. The fees charged for the connection to City utility services and the monthly user charges are designed to recover the costs associated with the provision of the various services. Consequently, development within the proposed annexation area should not have fiscal impacts on those services.

Other services, including parks and recreation and library services, would likely see some increase in use. *Table 3* demonstrates the effects of annexation, both initially and at full build-out, given the assumption that service levels and cost of service per capita will remain constant.

Table 3 – Expense of Providing City Services

Service	Annual Cost of Service	Level of Service ¹	Cost of Annexation	
			Initial	Full Build-Out
Fire & Emergency Service ³	\$189.69/person ³	5-minute emergency response time to 90% of calls	\$758.76	\$4,362.87
Police ⁴	\$302.24/person ⁴	60% committed versus 40% uncommitted time	\$1,208.96	\$6,951.52
Parks ⁵	\$117.50/person ⁵	1 neighborhood park within a 1-mile radius	\$470.00	\$2,702.50
Street ⁶ Maintenance	\$176.75/person	None established	\$707.00	\$4,065.25
Library ⁷	\$42.16/person	None established	\$168.64	\$969.68
Administrative Services ⁸	\$169.14/person	None established	\$676.56	\$3,890.22
Total			\$3,989.92	\$22,942.04

Notes for Table 3:

1. Level of Service reported from City of Richland Comprehensive Plan's Supporting Analysis.
2. Cost of Annexation – Initial Impacts are based on current estimate of 4 persons residing within the proposed annexation area. Full build-out figures are based on projected population of 23 persons in 9 residences.
3. Represents total current expense '23 budget for fire and emergency services (\$11,487,387) divided by the current (2020 Census) population (60,560 persons).
4. Represents total current expense '23 budget for police (\$18,303,564) divided by the current (2020 Census) population (60,560 persons).
5. Represents the annual cost per resident for park & facility maintenance of all park properties as calculated by the 2023 budget.
6. Represents streets capital projects (\$10,704,180) divided by the current (2020 Census) population (60,560 persons).
7. Represents the library operating expenses per capita as calculated by the 2023 budget.
8. Administrative service costs represents the total current expense budgets for City Manager, Assistant City Manager, City Clerk, City Attorney, Communications and Marketing, Cable Communications, Information Technology, and Hanford Communities (\$10,242,990) divided by the current (2020 Census) population (60,560 persons).

Service costs for *Table 3* include those services that are directly provided to residents and also include estimates for costs associated with general administrative services. Presumably, there would be some efficiencies accrued by the City in serving a larger population that would be located in a relatively small geographical area that is immediately adjacent to the City's existing service boundaries. As such, costs for actually providing services listed in *Table 3* could be somewhat overstated. The per capita listing for fire and emergency services, police services and administrative services assumes that all expenses associated with providing services are directly related to residential uses. Clearly, there are costs associated with providing services to commercial and industrial lands as well. The estimated costs of park and library services may be slightly overstated also, as some service is provided to non-City residents, which, if accounted for,

would slightly decrease the per capita costs reported here. Finally, *Table 4* provides some comparison of the costs and revenues associated with the proposed annexation.

Table 4 – Summary of General Fund Revenues and Expenses

<u>Revenue Source</u>	<u>Estimated Number of Households</u>	<u>Projected Revenues</u>	<u>Projected Expenses</u>	<u>Net Annual Benefit</u>
Initial Annexation	1	\$2,821.49	-\$3,989.92	-\$1,168.43
Annexation at Max. Build-Out	9	\$14,106.16	-\$22,942.04	-\$8,835.88

CONCLUSION

Staff concludes that the proposed annexation would have an overall negative fiscal impact to the City both at the time of initial annexation and if ever developed further. The City's enterprise funds would not be negatively impacted as expenses associated with providing power, water, sewer, storm drainage and solid waste disposal would necessarily equal the revenues associated with providing such services.

A general rule of thumb holds that the costs of providing services to residential neighborhoods generally exceed the revenues derived from those residential areas. This analysis presumes that additional sales tax would be generated from future development in the area at the same proportion as the rest of the City. However, to the extent that retailers performing market studies consider community growth, additional population may have the effect of stimulating new retail development, amongst other multiplier effects. Ultimately this could increase the per capita sales tax revenue that the City receives.

There are other factors that are difficult to quantify. If the area is not annexed, and some level of development occurs, City services will still be directly impacted. The nearby street system will be forced to handle more traffic, and park and library use may increase, along with police and fire service calls. However, without annexation, the City will not receive any revenues from unincorporated developments. In total, the drain on City services is likely greater without annexation than with annexation.

Annexation also provides the City with some opportunity to shape the development so that it conforms to City plans and standards. Street layout and design, the extension of street and utility corridors to adjacent parcels, the overall density of development, and the dedication of park and open spaces are all issues that the City could not influence absent annexation.

Finally, annexing this one lot may not be a monetary windfall for City coffers, however, due to the Tucker's existing domestic well-water supply, annexation would provide the family with higher-quality potable water.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:

Resolution No. 2023-186, Approving a Purchase and Sale Agreement with Lambert Properties, LLC for 150 Keene Road

Department/Office
Development Services

Ordinance/Resolution Number:
2023-186

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-186, authorizing the City Manager to sign and execute a purchase and sale agreement with Lambert Properties, LLC for the purchase of 2.12 acres at 150 Keene Road along the Keene Road Trail and adjacent to 112-120 Keene Road.

Summary:

Lambert Properties, LLC, owner of the retail center at 112-120 Keene Road, is proposing to purchase 2.12 acres of City-owned property located at 150 Keene Road and adjacent to the Keene Road Trail. The City has no plans to construct or install trail improvements or amenities at this location, which is why it was declared surplus and made available for sale.

The City-owned property is currently vacant and under a 20-year maintenance agreement with the original owner of the retail center, KTV, Inc. The maintenance agreement will expire in 2029. Rather than negotiate a new maintenance agreement with the City, Lambert Properties, LLC intends to terminate the maintenance agreement prior to 2029 and purchase the property in order to expand its existing development. The area included in this proposed purchase does not involve any portion of the City's Keene Road Trail.

The purchase price for the property is \$5.90 per square foot for a total purchase price of \$544,849. No development requirement is imposed by the City with this land sale. The buyer will relocate the stormwater drainage easement and related utilities currently encumbering the property, and the City will reimburse Lambert Properties, LLC up to a maximum of \$64,736.72 for this relocation effort.

At its November 13, 2023 meeting, the Economic Development Committee (EDC) favorably recommended the sale of the subject property. Richland City Council previously approved the surplus of this property on June 20, 2023.

City staff recommends adoption of Resolution No. 2023-186.

Fiscal Impact:

The fiscal impact of approving Resolution 2023-186 is \$544,849 minus reimbursement for relocation of stormwater infrastructure (up to \$64,736.72) and closing costs plus incidental expenses. Proceeds will be deposited into the City's Park Reserve Fund.

Attachments:

1. Resolution No. 2023-186
2. Purchase and Sale Agreement - 150 Keene Road
3. Vicinity Map

RESOLUTION NO. 2023-186

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING A PURCHASE AND SALE AGREEMENT BY AND
BETWEEN THE CITY OF RICHLAND AND LAMBERT
PROPERTIES, LLC.**

WHEREAS, the City of Richland is the owner of 2.12 acres of surplus property located at 150 Keene Road and within the Keene Road Trail corridor as depicted in the attached **Exhibit A**; and

WHEREAS, pursuant to Chapter 3.06 of the Richland Municipal Code, the City of Richland has full authority to negotiate the sale of surplus property in the best interests of the City; and

WHEREAS, the aforesaid City-owned property is available for sale; and

WHEREAS, on August 2, 2023, Richland City Council approved Resolution No. 2023-126, declaring the 2.12 acres of property surplus to the City's needs and directing staff to negotiate with Lambert Properties, LLC for the purchase of said property; and

WHEREAS, the City has negotiated a land price that is in its best interests; and

WHEREAS, Lambert Properties, LLC, owner of the adjacent retail property at 112-120 Keene Road, has agreed to purchase the property for the negotiated price of \$5.90 per square foot; and

WHEREAS, at its November 13, 2023 meeting, the Economic Development Committee (EDC) favorably recommended the sale of the 2.12 acres of City-owned surplus property for a total purchase price of \$544,849.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a Purchase and Sale Agreement and all related documents necessary for the sale of property to Lambert Properties, LLC as described herein.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

Re: City Park Property at 150 Keene Road

This Agreement for Purchase and Sale of Real Property (the “Agreement”) is made and entered into between the **CITY OF RICHLAND**, a Washington municipal corporation (“Seller”), and **LAMBERT PROPERTIES, LLC**, a (“Purchaser”). The Effective Date of this Agreement shall be determined pursuant to the terms of Section 3.1 herein.

1. Purchase and Sale of Property. Seller agrees to sell, and Purchaser agrees to purchase, on the terms hereafter stated, the unimproved real property located at 150 Keene Road, City of Richland, Benton County, Washington which is legally described in **Exhibit A** attached hereto (hereinafter referred to as the “Property”).

1.1. Laws and Rights. Purchaser acknowledges and agrees that the sale and conveyance of the Property to be made pursuant to this Agreement shall be subject to any and all applicable federal, state and local laws, orders, rules and regulations, and any and all outstanding rights of record or which are open and obvious on the ground.

1.2. Timing of Conveyance. The Property shall be conveyed to Purchaser at Closing by a Statutory Warranty Deed (“Deed”) subject to the Exceptions accepted or deemed accepted by Purchaser pursuant to Section 4.1 below.

2. Purchase Price. The total purchase price for the Property shall be **Five Hundred Forty-Four Thousand Eight Hundred Forty-Nine** dollars and no cents (\$**544,849.00**) (the “Purchase Price”). The Purchase Price shall be paid by Purchaser to Seller in the form of all cash to be deposited in an escrow account with Cascade Title Company (the “Title Company”) at Closing (as defined in Section 6 below).

2.1. Earnest Money Deposit. Intentionally omitted.

3. Conditions Precedent to Sale. This Agreement is made and executed by the parties hereto subject to the following conditions precedent:

3.1. City Approval. The execution and delivery of this Agreement by Seller is contingent upon approval of this Agreement by the City Council of the City of Richland in its sole discretion. In the event the Richland City Council does not approve this Agreement, this Agreement shall immediately terminate and be without any further force and effect, and without further obligation of either party to the other.

3.2. Executed Contract. The “Effective Date” of this Agreement is the date upon which both parties have signed this Agreement. If this Agreement is signed on different days, the “Effective Date” of this Agreement is the date of the last signing party. Notwithstanding the foregoing, Purchaser and Seller must sign this Agreement within fifteen (15) business days of approval from the City Council of the City of Richland. If signatures are not obtained from both parties within fifteen (15) business days, this Agreement shall automatically terminate and be without any further force and effect, and without further obligation of either party to the other.

4. Title Matters.

4.1. Preliminary Title Report; Title Review. Within five (5) business days after the Effective Date, Purchaser, at its sole cost and expense, shall order from the Title Company a preliminary title commitment for the Property, and copies of all documents referred to therein (the "Preliminary Commitment"), and upon receipt, furnish same to Seller. For this transaction, Title Company shall be Cascade Title Company of Benton-Franklin Counties, 8203 W. Quinault Ave., STE 10, Kennewick, WA 99336.

(a) Purchaser shall have fifteen (15) days after receipt of the Preliminary Commitment and Survey to advise Seller in writing of any encumbrances, restrictions, easements or other matters contained in the Preliminary Commitment or on the Survey (the "Exceptions") to which Purchaser objects. All Exceptions to which Purchaser does not object in writing within the fifteen (15) day period shall be deemed accepted by Purchaser.

(b) If Purchaser objects to any Exceptions within the fifteen (15) day period, Seller shall advise Purchaser in writing within five (5) days of receipt of Purchaser's written objections (i) which Exceptions Seller will remove at Closing, (ii) which Exceptions the Title Company has agreed to insure around in the title policy to be issued at Closing (together with the proposed form of endorsement) and (iii) which Exceptions will not be removed or insured around.

(c) Within ten (10) days of receipt of Seller's response to Purchaser's written objections, and assuming Seller has not agreed to remove all exceptions to which Purchaser objects, Purchaser shall notify Seller in writing of Purchaser's election to either (i) terminate this Agreement, or (ii) waive its objections to the Exceptions the Title Company has agreed to insure around and the Exceptions Seller will not remove or insure around, in which event such Exceptions shall be deemed accepted by Purchaser.

4.2. Title Insurance. Seller shall cause the Title Company to be prepared to deliver to Purchaser at Closing an Owner's ALTA Standard Coverage policy of title insurance issued by Title Company in the face amount of the Purchase Price, dated the date of Closing, insuring Purchaser's title subject to no exceptions other than the standard printed exceptions and the Exceptions deemed accepted by Purchaser pursuant to Section 4.1 above. The policy of title insurance shall also include such endorsements as Purchaser or Purchaser's Lender may reasonably request.

5. Due Diligence. Purchaser is granted a due diligence period until and including sixty (60) days after receipt of the Preliminary Commitment described in Section 4.1 above (the "Due Diligence Period"). Said Due Diligence Period may be extended an additional thirty (30) days upon written mutual agreement by both Purchaser and Seller. Purchaser may conduct, at its own expense, a full review of legal, title, environmental, archaeological and any other related issues subject to the terms of this Section 5. If the results of said review are unsatisfactory in Purchaser's sole discretion, Purchaser may, at its option, elect to terminate this Agreement by giving Seller written notice of termination prior to the end of the Due Diligence Period (the "Due Diligence Termination Notice"). In the event of termination by Purchaser under this section, this Agreement shall immediately terminate and be without any further force and effect, and neither party shall

have any rights or responsibilities to the other except as otherwise expressly provided herein. If Purchaser fails to provide a Due Diligence Termination Notice to Seller on or before the expiration of the Due Diligence Period, the due diligence contingency set forth under this Section 5 shall be deemed waived by Purchaser, and this Agreement shall continue in full force and effect.

5.1. Reasonableness Required. All inspections of the Property shall occur at reasonable times agreed upon by Seller and Purchaser and shall be conducted so as not to unreasonably interfere with the use of the Property by Seller. Purchaser shall not do any invasive testing, sampling or drilling at the Property without first obtaining Seller's prior written consent (which may be conditioned or denied in Seller's sole and absolute discretion). Purchaser shall promptly restore the Property to substantially the same condition which existed prior to any such investigations, tests, surveys and other analyses, at Purchaser's sole cost and expense. Seller shall be entitled to have a representative present at all times while Purchaser or its representatives or agents are physically on the Property. Purchaser hereby agrees that it shall carry, and shall cause all representatives and agents of Purchaser entering the Property on behalf of Purchaser in furtherance of the right of access granted under this Agreement to carry, commercial general liability insurance with limits of not less than One Million and No/100 Dollars (\$1,000,000) combined single limit and providing that such coverages are primary and naming Seller as an additional insured. Prior to any entry onto the Property by Purchaser or its agents, employees, consultants or representatives, Purchaser shall provide to Seller certificates evidencing such insurance coverage. Purchaser agrees to indemnify and hold Seller harmless of and from any claim for damages or injuries arising from Purchaser's inspections of the Property; such obligations shall survive Closing or any termination of this Agreement.

6. Closing. Closing shall occur in the office of the Title Company on or before the date that is sixty (60) days after the expiration or waiver of the Due Diligence Period. Purchaser and Seller shall deposit in escrow with Title Company all instruments and documents reasonably necessary to complete the transaction in accordance with this Agreement, including, but not limited to, the Deed. As used herein, "Closing" or "date of Closing" means the date on which all appropriate documents are recorded and the proceeds of sale are available for disbursement to Seller.

6.1. Closing Costs; Prorations. At Closing, Seller shall pay (i) the premium for the standard coverage policy of title insurance and the endorsements required to insure around the Exceptions the Title Company agreed to insure around in accordance with Section 4 above, (ii) deed or real property transfer taxes, and (iii) one-half of Title Company's escrow fees and charges. Purchaser shall pay (i) the costs of the extended coverage portion of the policy of title insurance and any title insurance endorsements required by Purchaser (other than the costs of the title insurance endorsements to be provided by Seller pursuant to the first sentence of this Section 6.1), and (ii) one-half of Title Company's escrow fees and charges. Real property taxes, assessments, surface water management charges, utilities and other expenses of the Property shall be prorated as of the date of Closing with Purchaser bearing the costs of the date of Closing. All other closing costs shall be paid and allocated in accordance with the custom in the county in which the Property is located. Each party shall be responsible for its own legal, accounting and consultant fees.

7. Right to Relocate Stormwater Drainage Easement. Upon Closing, Purchaser shall have the right to relocate the existing stormwater drainage easement encumbering the Property onto adjacent city-owned property in a location reviewed and approved by Richland's Public Works Director or designee. Design and construction of the relocated infrastructure must also be approved by the City's Public Works Director or designee. Purchaser shall be reimbursed by Seller up to a maximum of Sixty-Four Thousand Seven Hundred Thirty-Six dollars and Seventy-Two cents (\$64,736.72) for Purchaser's cost of relocating the stormwater drainage easement. Within ninety (90) calendar days of acceptance of the relocated infrastructure, Seller will initiate the process to relinquish the existing stormwater drainage easement and record a duly authorized relinquishment with the Benton County Auditor's Office as soon as practicable thereafter.

8. Covenants, Representations and Warranties.

8.1. Seller's Covenants. Seller hereby covenants and agrees as follows:

(a) From the Effective Date through the Closing Date, Seller shall not make any material alterations to the Property or to any of the licenses, permits, legal classifications or other governmental regulations relating to the Property, nor enter into any leases or agreements pertaining to the Property which are not terminable, without penalty, on 30 days' notice, without Purchaser's prior written consent.

(b) From the Effective Date through the Closing Date, Seller shall not voluntarily cause to be recorded any encumbrance, lien, deed of trust, or easement against the title to the Property without Purchaser's prior consent.

(c) From the Effective Date through the Closing Date, Seller will operate and maintain the Property in a manner consistent with Seller's past practices relative to the Property and so as not to cause waste to the Property.

8.2. Seller's Representations and Warranties. Seller hereby makes the following representations and warranties to Purchaser, each of which shall be true on the Effective Date and on the date of Closing. Seller shall immediately provide Purchaser with written notice of any event which would make any representation or warranty set forth below materially incorrect or untrue, and upon receipt of such notice, Purchaser may elect to terminate this Agreement. Upon Purchaser's election to terminate, this Agreement shall be without any further force and effect, and without further obligation of either part to the other.

(a) Seller has full power and authority to enter into and carry out the terms and provisions of this Agreement and to execute and deliver all documents which are contemplated by this Agreement, and all actions of Seller necessary to confer such authority upon the persons executing this Agreement and such other documents will have been, or will be, taken.

(b) Seller has not received any written notice from any governmental authorities or regulatory agencies that eminent domain proceedings for the condemnation of the Property are pending or threatened.

(c) Seller has not received any written notice of pending or threatened investigation, litigation or other proceeding before a local governmental body or regulatory agency which would materially and adversely affect the Property.

(d) Seller has not received any written notice from any governmental authority or regulatory agency that Seller's use of the Property is presently in violation of any applicable zoning, land use or other law, order, ordinance or regulation affecting the Property.

(e) To Seller's knowledge, no special or general assessments have been levied against the Property except those disclosed in the Preliminary Title Report, and Seller has not received written notice that any such assessments are threatened.

(f) Seller is not a "foreign person" for purposes of Section 1445 of the Internal Revenue Code.

(g) Seller is a Washington municipal corporation, duly formed and organized, validly existing and in good standing under the laws of the State of Washington.

8.3. Purchaser's Representations. Purchaser hereby makes the following representations to Seller, each of which shall be true on the Effective Date hereof and on the date of Closing.

(a) Purchaser has full power and authority to enter into and carry out the terms and provisions of this Agreement, and to execute and deliver all documents which are contemplated by this Agreement, and all actions of Purchaser necessary to confer such authority upon the persons executing this Purchase Agreement and such other documents have been, or will be, taken.

(b) As of the Effective Date and as of the date of Closing, neither Purchaser nor, to Purchaser's knowledge, any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representative or agents, is a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of OFAC (including those named on OFAC's Specially Designated and Blocked Persons List) or under any statute, executive order (including the September 24, 2001, Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism) or other governmental action ("OFAC").

(c) Purchaser represents that it has sufficient funds to close this transaction.

9. Casualty and Condemnation.

9.1. Material Casualty or Condemnation. If prior to the Closing Date: (i) the Property shall sustain damage caused by casualty which would cost ten thousand dollars (\$10,000) or more to repair or replace; or (ii) if a taking or condemnation of any portion of the Property has occurred, or is threatened, which would materially affect the value of the Property, either Purchaser or Seller may, at its option, terminate this Agreement by written notice to the other party given within two

(2) business days after notice of such event. If prior to the Closing Date neither party provides said termination notice within such two (2) business day period, the Closing shall take place as provided herein with a credit against the Purchase Price in an amount equal to any insurance proceeds or condemnation awards actually collected by Seller and an assignment to Purchaser at Closing of all Seller's interest in and to any insurance proceeds or condemnation awards which may be due but unpaid to Seller on account of such occurrence.

9.2. Immaterial Casualty or Condemnation. If prior to Closing Date, the Property shall sustain damage caused by casualty which is not described in Section 8.1, or a taking or condemnation has occurred, or is threatened, which is not described in Section 8.1, neither Purchaser nor Seller shall have the right to terminate this Agreement. Closing shall take place as provided herein with a credit against the Purchase Price equal to (i) the cost to repair that portion of the Property so damaged by insured casualty, or (ii) an amount equal to the anticipated condemnation award, as applicable. At Closing, Purchaser shall assign to Seller all rights or interest in and to any insurance proceeds or condemnation awards which may be due on account of any such occurrence.

10. Purchaser's Remedies. If Seller fails without legal excuse to complete the sale of the Property in accordance with the terms of this Agreement, Purchaser may elect one of the following remedies (Purchaser hereby waiving any and all other remedies): (a) specific performance of this Agreement (provided an action thereon is commenced with thirty (30) days of Seller's failure to perform), or (b) terminate this Agreement.

11. Liquidated Damages. If Purchaser fails without legal excuse to complete the purchase of the Property in accordance with the terms of this Agreement, Seller may elect one of the following: (1) terminate this Agreement without further obligation to purchaser; or (2) pursue any remedies available at law or in equity.

12. Miscellaneous.

12.1. Finder's Fee. Purchaser and Seller each agree that a real estate finder's fee ("Real Estate Compensation") is not due to each other or to any third party. Each party hereby agrees to indemnify and defend the other against and hold the other harmless from and against any and all loss, damage, liability or expense, including costs and reasonable attorney's fees, resulting from any claims for Real Estate Compensation by any person or entity other than provided herein. The provisions of this section shall survive the closing.

12.2. Time of the Essence. Time is of the essence of every provision of this Agreement.

12.3. Notices. Whenever any party hereto shall desire to give or serve upon the other any notice, demand, request or other communication, each such notice, demand, request or other communication shall be in writing and shall be given or served upon the other party by personal delivery (including delivery by written electronic transmission) or by certified, registered or Express United States Mail, or Federal Express or other commercial courier, postage prepaid, addressed as follows:

If to Seller: City of Richland

Attn: Economic Development Office
625 Swift Blvd., MS-18
Richland, Washington 99352
Phone: (509) 942-7583

If to Purchaser: Steve Lambert
8836 W. Gage Blvd., Suite 101-A
Kennewick, Washington 99336
509.551.4770
steve@exitrealtytc.com

Any such notice, demand, request or other communication shall be deemed to have been received upon the earlier of personal delivery thereof or two (2) business days after having been mailed as provided above, as the case may be.

12.4. Assignments and Successors. Purchaser may not assign this Agreement without Seller's written consent. Any assignment made without Seller's consent is null and void, and does not relieve the Purchaser of any liability or obligation hereunder.

12.5. Captions. Paragraph titles or captions contained herein are inserted as a matter of convenience and for reference, and in no way define, limit, extend or describe the scope of this Agreement.

12.6. Exhibits. All exhibits attached hereto shall be incorporated herein by reference as if set out herein in full.

12.7. Binding Effect. Regardless of which party prepared or communicated this Agreement, this Agreement shall be of binding effect between Purchaser and Seller only upon its execution by an authorized representative of each such party.

12.8. Construction. The parties acknowledge that each party and its counsel have reviewed and revised this Agreement, and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Purchase and Sale Agreement or any amendment or exhibits hereto.

12.9. Counterparts. Execution of this Agreement and any amendment or other document related to this Agreement may be by electronic signature and in any number of counterpart originals, including by portable document format (.pdf), each of which shall be deemed to constitute an original agreement, and all of which shall constitute one whole agreement.

12.10. Time. Any extension of time granted for the performance of any duty under this Agreement shall not be considered as an extension of time for the performance of any other duty under this Agreement. As used in this Agreement, "business day" refers to any day which is not a Saturday, Sunday or a holiday in the State of Washington. In the event the time for performance of any obligation hereunder shall fall on a Saturday, Sunday or a holiday, such time for performance shall be extended to the next business day.

12.11. Merger. The delivery of the Deed and any other documents and instruments by Seller and the acceptance and recordation thereof by Purchaser shall effect a merger, and be deemed the full performance and discharge of every obligation on the part of Purchaser and Seller to be performed hereunder, except those clauses, covenants, warranties and indemnifications specifically provided herein to survive the Closing.

12.12. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Washington. The parties agree that Benton County is the appropriate venue for filing of any civil action arising out of this Agreement, and both parties expressly agree to submit to personal jurisdiction in Benton County Superior Court.

[Signature Page to Follow]

IN WITNESS WHEREOF, Purchaser has executed this Agreement on the date shown below its signature, and Seller has accepted on the date shown below its signature.

CITY OF RICHLAND – SELLER

**LAMBERT PROPERTIES, LLC –
PURCHASER**

By: Jon Amundson, ICMA-CM
Its: City Manager

By: Steve Lambert
Its: Owner

Date

APPROVED AS TO FORM:

By: Heather Kintzley, City Attorney

Exhibit A
Legal Description and Survey

DRAFT

SURVEYOR'S NOTES:

1. BASIS OF BEARING: WASHINGTON STATE PLANE (SOUTH ZONE) NAD83(2011) DATUM BASED ON RTK GNSS OBSERVATIONS. DISTANCES ARE 'GROUND' SCALED FROM STATE PLANE GRID USING A COMBINED FACTOR OF 0.99991360 (1.00008641) FROM LATITUDE 46°13'45.6"N AND LONGITUDE 119°15'57.5"W
2. ● = DENOTES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP (YPC) STAMPED "DRPJR 38024" OR MONUMENT AS NOTED
3. ●* = DENOTES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "USKH 25893"
4. ●** = DENOTES FOUND 5/8" REBAR WITH ORANGE PLASTIC CAP (OPC) STAMPED "DPB RSI 41028"
5. ○ = DENOTES SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "DPB RSI 41028"
6. ∅ = DENOTES COMPUTED POSITION, NOT SET
7. (M) = MEASURED PER THIS SURVEY (C) = COMPUTED
(R1) = RECORD PER SURVEY 3796 (A.F.# 2007-032336)
(R2) = RECORD PER SURVEY 3334 (A.F.# 2011-029816)
8. EQUIPMENT AND PROCEDURES: THIS SURVEY WAS PERFORMED WITH DUAL FREQUENCY GNSS RECEIVERS CONFIGURED FOR REAL TIME KINEMATIC SURVEYING
9. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS IF ANY OTHERS EXIST
10. MONUMENTS WERE VISITED: MARCH 10, 2023

EXISTING LEGAL DESCRIPTIONS:

(PER STATUTORY WARRANTY DEED AF#2020-000857)

LOT 2, SHORT PLAT NO. 3334, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2011-029816, RECORDS OF BENTON COUNTY, WASHINGTON.

(SEE STATUTORY WARRANTY DEED AF# 2008-006870)

LOT 2 OF SHORT PLAT NO. 2770, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2003-057882, RECORDS OF BENTON COUNTY, WASHINGTON:

EXCEPT THAT PORTION OF LOT 2, SHORT PLAT 2770, AN AMENDMENT OF SHORT PLAT 2734, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 2003-057882, RECORDS OF BENTON COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID SHORT PLAT 2770, AND THE TRUE POINT OF BEGINNING; THENCE NORTH 15°27'21" EAST A DISTANCE OF 85.00 FEET, LEAVING SAID CORNER ALONG A LINE COMMON TO LOT 2 AND LOT 3 OF SAID SHORT PLAT 2770 TO A POINT; THENCE NORTH 74°32'39" WEST A DISTANCE OF 627.98 FEET, LEAVING SAID COMMON LINE TO A POINT; THENCE SOUTH 36°53'29" WEST (A RADIAL BEARING), A DISTANCE OF 49.46 FEET TO A POINT ON A NON-TANGENT CURVE ON THE NORTHEASTERLY RIGHT-OF-WAY OF KEENE ROAD, AS SHOWN ON SAID SHORT PLAT 2770, SAID CURVE HAVING A RADIUS OF 790.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 92.93 FEET, THROUGH A CENTRAL ANGLE OF 6°44'23" TO THE NORTHWEST CORNER OF SAID LOT 1, OF SAID SHORT PLAT 2770; THENCE SOUTH 74°32'39" EAST A DISTANCE OF 561.75 FEET ALONG THE NORTHERLY LINE OF SAID LOT 1, TO THE TRUE POINT OF BEGINNING.

RECORD SURVEY

FOR A BOUNDARY LINE ADJUSTMENT
LOCATED IN A PORTION OF THE SE 1/4 OF SECTION 26,
TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON

TRANSFER LEGAL DESCRIPTION:

THAT PORTION OF LOT 2, SHORT PLAT 2770, AN AMENDMENT OF SHORT PLAT 2734, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 2003-057882, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SHORT PLAT NO. 3334, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2011-029816, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 15°52'55" EAST 132.32 FEET ALONG THE WEST LINE OF LOT 3 OF SAID SHORT PLAT 2770 TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 75°27'58" WEST 661.56 FEET; THENCE SOUTH 89°52'27" WEST 201.31 FEET; THENCE SOUTH 0°44'24" WEST 7.58 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 839.44 FEET (THE LONG CHORD OF SAID CURVE BEARS SOUTH 60°36'50" EAST 231.15 FEET); THENCE SOUTHEASTERLY 231.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°49'39" TO THE NORTHERLY MOST CORNER OF LOT 1, SAID SHORT PLAT 3334; THENCE SOUTH 74°07'44" EAST 434.12 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 74°06'32" EAST 194.02 FEET ALONG THE NORTH LINE OF LOT 2 SAID SHORT PLAT 3334 TO THE POINT OF BEGINNING.

CONTAINS 2.12 ACRES, MORE OR LESS.

NEW LEGAL DESCRIPTIONS:

PARCEL A:

LOT 2, SHORT PLAT NO. 3334, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2011-029816, RECORDS OF BENTON COUNTY, WASHINGTON.

TOGETHER WITH THAT PORTION OF LOT 2, SHORT PLAT 2770, AN AMENDMENT OF SHORT PLAT 2734, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 2003-057882, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SAID SHORT PLAT NO. 3334,; THENCE NORTH 15°52'55" EAST 132.32 FEET ALONG THE WEST LINE OF LOT 3 OF SAID SHORT PLAT 2770 TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 75°27'58" WEST 661.56 FEET; THENCE SOUTH 89°52'27" WEST 201.31 FEET; THENCE SOUTH 0°44'24" WEST 7.58 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 839.44 FEET (THE LONG CHORD OF SAID CURVE BEARS SOUTH 60°36'50" EAST 231.15 FEET); THENCE SOUTHEASTERLY 231.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°49'39" TO THE NORTHERLY MOST CORNER OF LOT 1, SAID SHORT PLAT 3334; THENCE SOUTH 74°07'44" EAST 434.12 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 74°06'32" EAST 194.02 FEET ALONG THE NORTH LINE OF LOT 2 SAID SHORT PLAT 3334 TO THE POINT OF BEGINNING.

CONTAINS 3.05 ACRES, MORE OR LESS.

PARCEL B:

LOT 2 OF SHORT PLAT NO. 2770, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2003-057882, RECORDS OF BENTON COUNTY, WASHINGTON:

EXCEPT THAT PORTION THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SHORT PLAT NO. 3334, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2011-029816, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE NORTH 15°52'55" EAST 132.32 FEET ALONG THE WEST LINE OF LOT 3 OF SAID SHORT PLAT 2770 TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 75°27'58" WEST 661.56 FEET; THENCE SOUTH 89°52'27" WEST 201.31 FEET; THENCE SOUTH 0°44'24" WEST 7.58 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 839.44 FEET (THE LONG CHORD OF SAID CURVE BEARS SOUTH 60°36'50" EAST 231.15 FEET); THENCE SOUTHEASTERLY 231.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°49'39" TO THE NORTHERLY MOST CORNER OF LOT 1, SAID SHORT PLAT 3334; THENCE SOUTH 74°07'44" EAST 434.12 FEET ALONG THE NORTH LINE OF SAID LOT 1 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 74°06'32" EAST 194.02 FEET ALONG THE NORTH LINE OF LOT 2 SAID SHORT PLAT 3334 TO THE POINT OF BEGINNING.

CONTAINS 3.32 ACRES, MORE OR LESS.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ A.D., AT _____ MINUTES PAST _____ M. AND RECORDED IN VOLUME _____ OF SURVEYS, PAGE _____, AT THE REQUEST OF ROGERS SURVEYING.

BENTON COUNTY AUDITOR

AUDITOR'S FILE NUMBER

REV: NONE

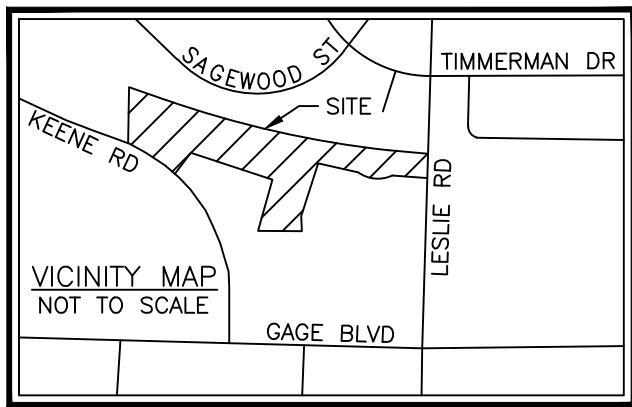
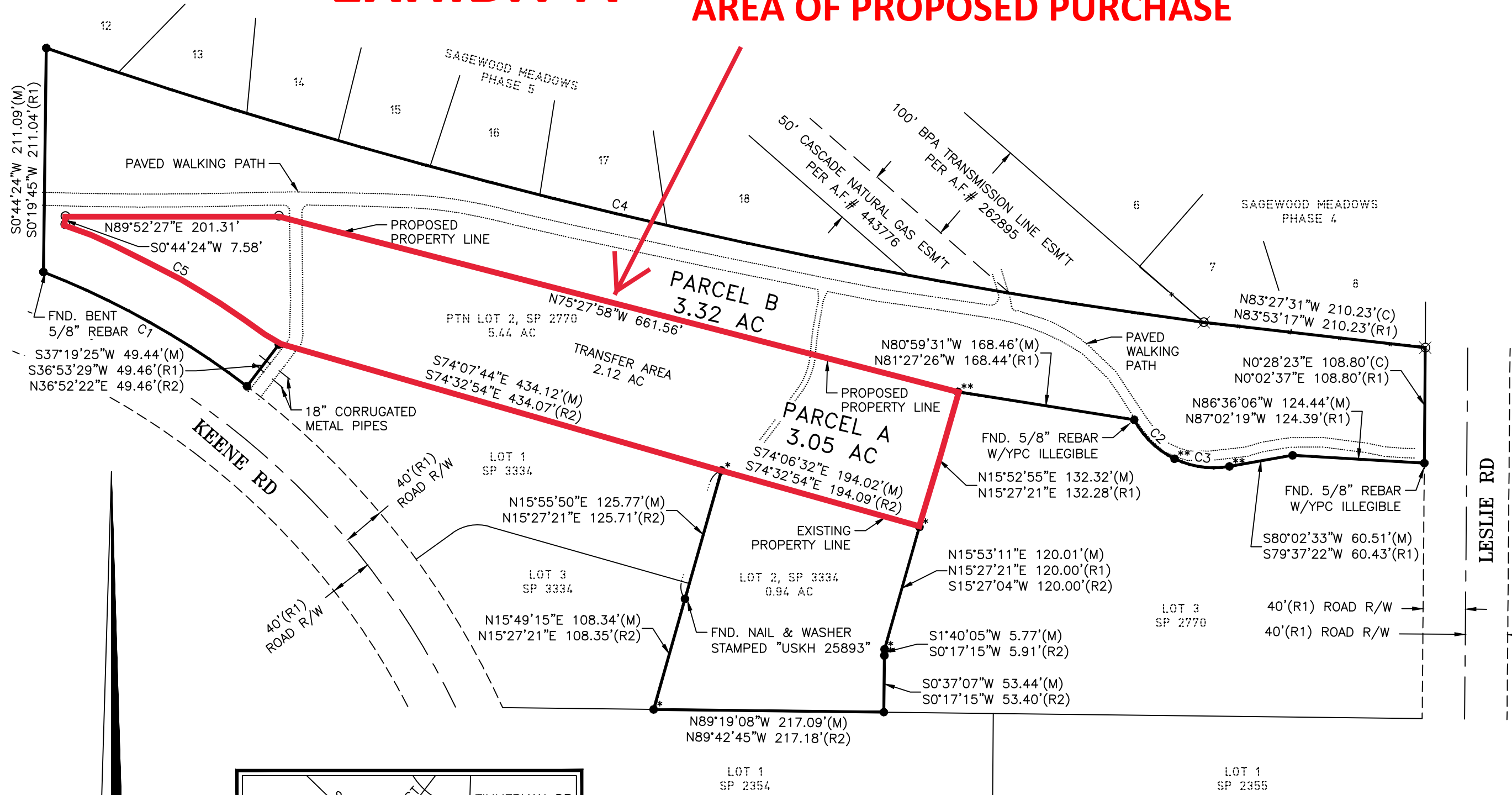
CLIENT LAMBERT PROPERTIES LLC JOB 08923

PROJECT BOUNDARY LINE ADJUSTMENT
PTN OF SE1/4 SEC 26, T9N, R28E, WM

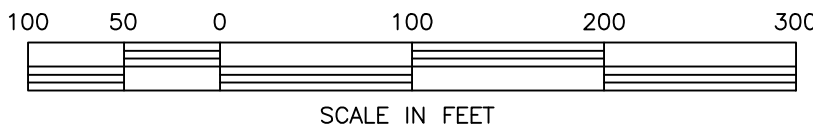
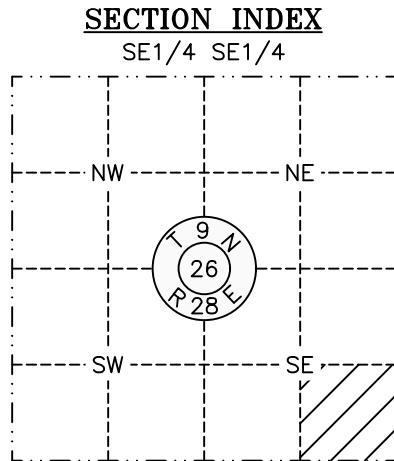
DRN. BY MPL SCALE 1"=100' F. B. NO. BK 887
APPROVED DPB DATE 03/17/2023 ACAD VER - C3D21
FILE: 08923.DWG SHEET 1 OF 1

EXHIBIT A

AREA OF PROPOSED PURCHASE



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C1	220.88	790.00	16°01'11"	N60°42'41"W	220.16
C2	53.69	84.95	36°12'47"	S46°01'17"E	52.80
C3	53.12	84.95	35°49'41"	S82°02'31"E	52.26
C4	1123.70	5629.58	11°26'12"	S76°40'44"E	1121.83
C5	231.89	839.44	15°49'39"	N60°36'50"W	231.15

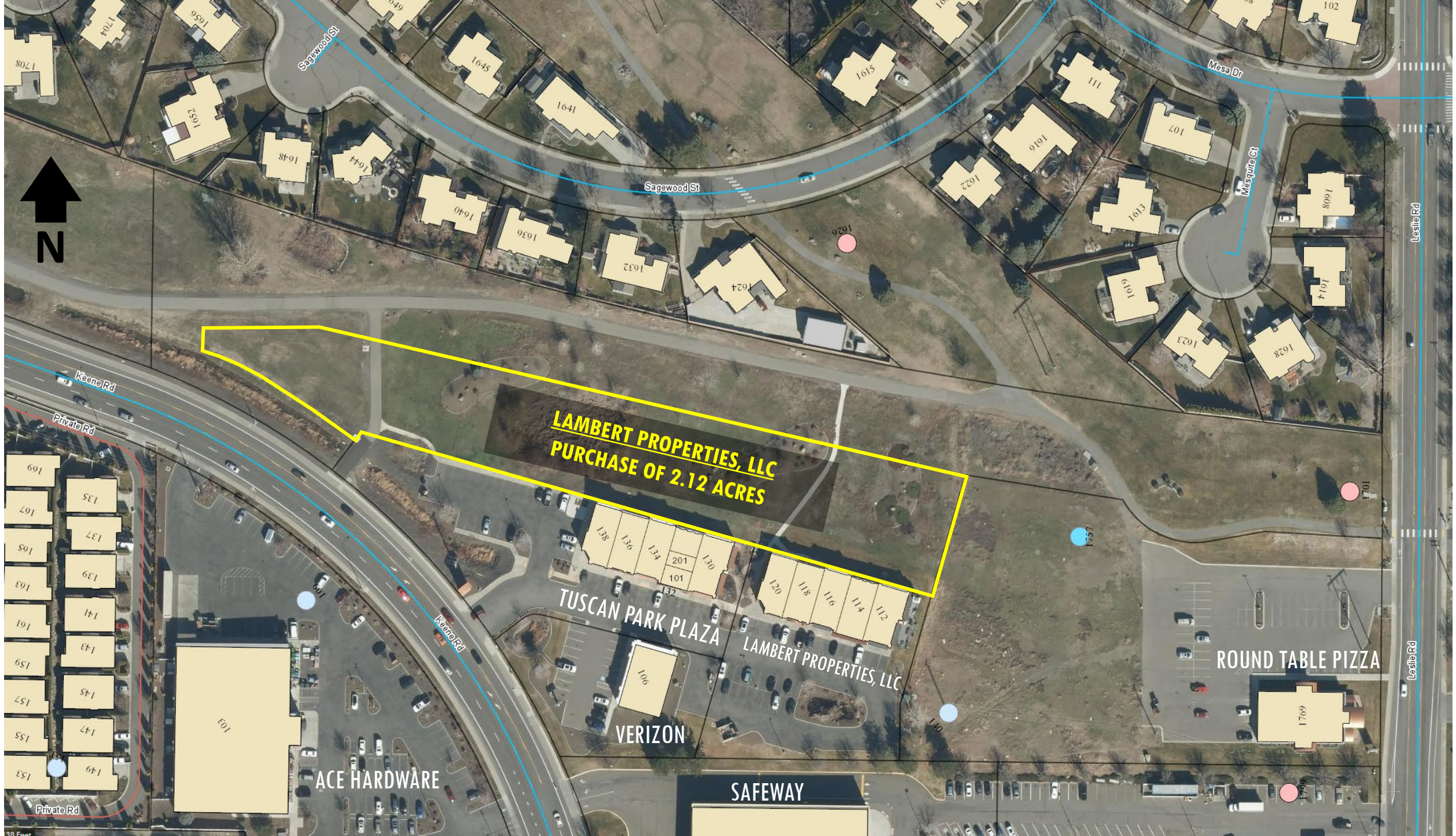


SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF LAMBERT PROPERTIES LLC IN MARCH 2023.

DAVID P. BAALMAN LS#41028

DATE



**LAMBERT PROPERTIES, LLC
PURCHASE OF 2.12 ACRES**

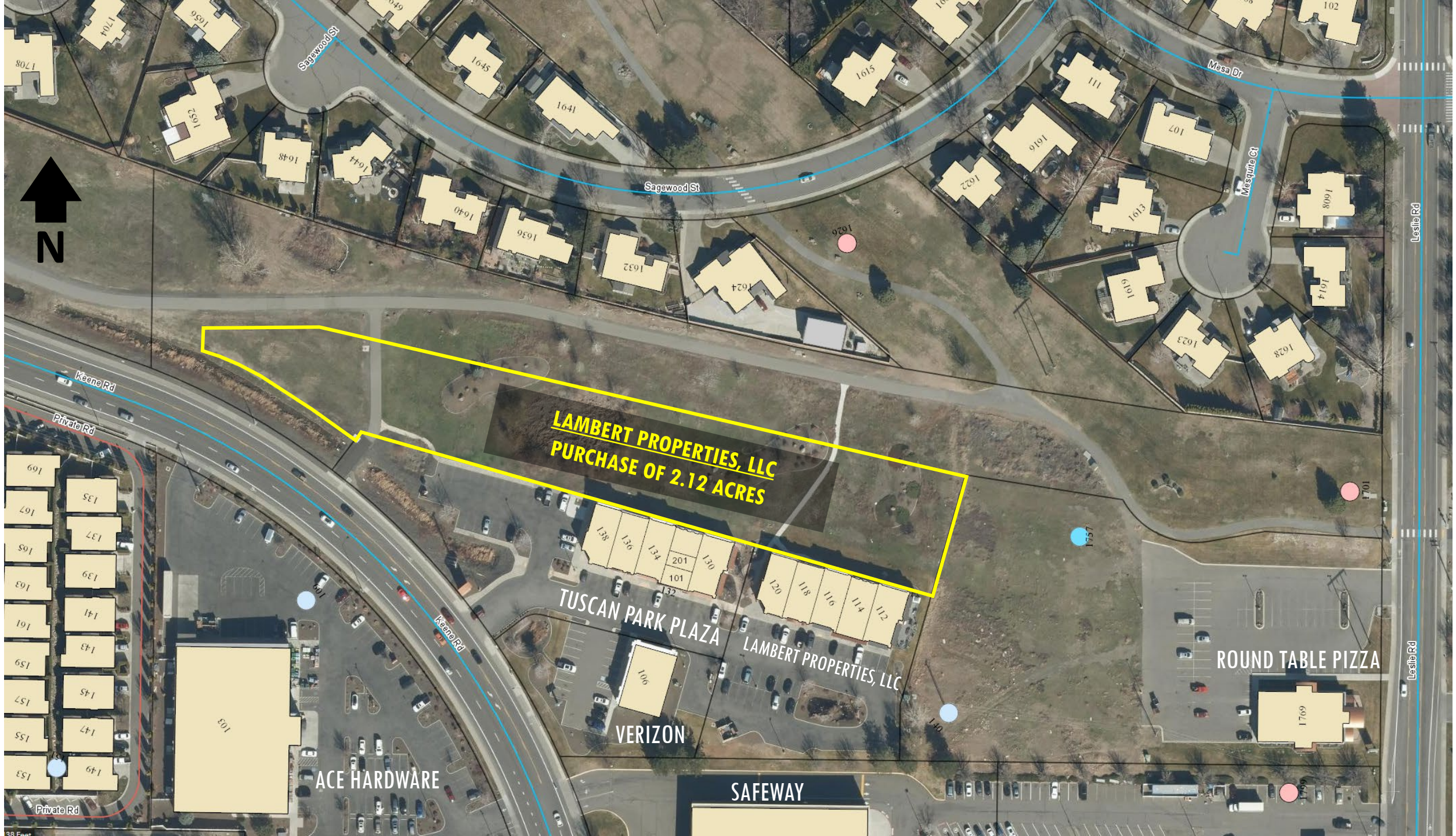
TUSCAN PARK PLAZA
LAMBERT PROPERTIES, LLC

VERIZON

SAFeway

ROUND TABLE PIZZA

ACE HARDWARE





COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:

Resolution No. 2023-187, Awarding 2024 Business License Reserve Fund Grants

Department/Office
Development Services

Ordinance/Resolution Number:
2023-187

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-187, authorizing the City Manager to sign and execute 2024 Business License Reserve Fund grant agreements as identified in Exhibit A therein.

Summary:

Each year, the City solicits applications from eligible organizations to receive business license reserve funds. The Business License Reserve Fund is funded by 18% of business license fees collected, and said funds are set aside for the purposes of core development, tourism, prevention of blight, and capital expenditures for community improvements.

A balance of \$120,000 is anticipated to be available for award in 2024. The City received six (6) applications requesting Business License Reserve Fund grants in 2024, exceeding the anticipated available funds by \$23,420.

At its November 13, 2023 meeting, the Economic Development Committee (EDC) considered each application and made a funding recommendation to fund five (5) of the six (6) programs for 2024 as outlined in Resolution No. 2023-187 and the attached EDC staff report.

Staff recommends adoption of Resolution No. 2023-187.

Fiscal Impact: Adoption of Resolution No. 2023-187 will commit \$118,420 in Business License Reserve Fund monies in 2024.

Attachments:

1. Resolution No. 2023-187
2. 2024 BLRF Applications - Staff Report

RESOLUTION NO. 2023-187

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING THE DISTRIBUTION OF FUNDS FROM THE
BUSINESS LICENSE RESERVE FUND FOR CALENDAR YEAR
2024.**

WHEREAS, pursuant to Richland Municipal Code (RMC) 5.04.385, City Council established a reserve, funded through a portion of fees for business licenses, that is used to promote business activities related to tourism, core development, general economic development, capital expenditures for community improvements, and the prevention of blight; and

WHEREAS, an estimated \$120,000 is available for eligible projects in 2024; and

WHEREAS, applications were solicited and reviewed by the Economic Development Committee (EDC); and

WHEREAS, at its November 13, 2023 special meeting, the EDC recommended allocation of \$120,000 toward projects deemed eligible under RMC 5.04.385 and RMC 5.04.386 as described on **Exhibit A**, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute Business License Reserve Fund funding agreements in the amounts identified and the applicants listed on **Exhibit A**.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

EXHIBIT A

<u>Description</u>	<u>Applicant</u>	<u>Amount</u>
Workforce Development	Visit Tri-Cities	\$10,000
Uptown Marketing and Events Support	Uptown Business District	\$20,700
Parkway Maintenance and Marketing	Downtown Business District	\$12,720
BID Revitalization	Uptown and Downtown Business Districts	\$10,000
Commercial Façade Improvement Program (CFIP)	COR Economic Development	\$66,580

TOTAL \$120,000

STAFF REPORT

TO: EDC
RE: 2024 BLRF APPLICATIONS

PREPARED BY: LYNNE FOLLETT
MEETING DATE: NOVEMBER 13, 2023

GENERAL INFORMATION:

The city received six applications requesting Business License Reserve Fund grants for 2024. Requests for 2024 funds total \$143,420. There is anticipated to be \$120,000 in funds available for awards in 2024.

The Economic Development Committee (EDC) is tasked with considering each application and making a funding recommendation to the City Council. The EDC's recommendation may include recommendations for approval, denial, or approval with conditions. The City Council will make the final decision on all funding. Details about each application are included below. A funding recommendation worksheet is attached to the agenda for use during deliberations. Staff will support the EDC by compiling and producing a final matrix for use with the EDC's recommendation.

APPLICATIONS:

2024-101

APPLICANT: Visit Tri-Cities (partnership with WSU Workforce Development)

REQUEST: \$10,000 for scholarships

DETAILS: Visit Tri-Cities partnered with WSU Tri-Cities to develop a workforce certificate training program in 2022. The request for grant funding is to continue this program to offer Richland residents or employees of Richland businesses certificate training scholarships to help create thriving businesses and career advancement opportunities for individual participants. WSU developed two new course offerings this year in response to requests for skills-based learning. These two new programs, Fundamentals of Business and Cultivating Service Excellence have broad appeal to most businesses.

2024-102

APPLICANT: Small Business Development Center (SBDC)

REQUEST: \$25,000 for small business counseling services

DETAILS: This proposal seeks funding to continue SBDC's services throughout the Tri-Cities region. Although in recent years, the SBDC has added two additional positions in the Tri-Cities, one located in the Hispanic

Chamber of Commerce in Pasco and the other located in the Tri-Cities Regional Chamber of Commerce in Kennewick, services offered are available to all and not specific to Richland businesses.

As of the end of September 2023, the SBDC reported providing 6 training opportunities available to any business and direct counseling to 7 Richland businesses. In 2022, the SBDC reported working with 21 Richland business clients, providing 148.5 hours of counseling services.

2024-103

APPLICANT: Uptown Business Improvement District (UBID)

REQUEST: \$20,700 for marketing & events (Total Project cost \$27,220)

DETAILS: The UBID works to enhance the environment and create a welcoming shopping district. The Alley Art program is growing and attracting more artists. Three new alley murals were installed this year, with several others on the books. This program is seeking other funding but in the meantime, relies on the BLRF program to provide supplies. Social media continues to be an important driver for customer engagement and advertisement for district events and business highlights. The current level of assessments collected by the district do not provide funding for improved web presence and social media support. The district utilized volunteers but need to engage an outside vendor for support and web hosting to keep a stable platform and regular customer interaction.

The UBID is proposing a rate increase to its membership at its annual meeting later in November to increase the district's ability to fund its annual events and marketing needs. Until a new rate is established, the UBID relies on BLRF funding to support these programs. The BID anticipates requesting ongoing support for the next 1-2 years before being able to fund these programs from fees.

2024-104

APPLICANT: Downtown Business Improvement District (DBID)

REQUEST: \$12,720 for garbage can replacement and marketing

DETAILS: The DBID is responsible for the maintenance of common area garbage cans along the sidewalks and public areas of the Parkway. Due to costs and timelines associated with the refurbishment of existing garbage cans, the BID opted to replace as many as possible in 2023, with plans to replace the remaining cans in 2024.

In addition to replacing the remaining garbage cans, the BID is in need of web design services and social media support to drive business to the district and market events within the district. Current district assessments do not provide enough funding for either of these projects.

The DBID is evaluating and preparing to propose a rate increase to its membership at its next annual meeting to increase the district's ability to fund its annual events and marketing needs. Until a new rate is established, the DBID relies on BLRF funding to support these programs. The BID anticipates requesting ongoing support for the next 1-2 years before being able to fund these programs from fees.

2024-105

APPLICANT: Uptown Business Improvement District (UBID) & Downtown Business Improvement District (DBID)

REQUEST: \$10,000 for Revitalization

DETAILS: Both business districts need infrastructure improvements and revitalization. The proposed projects are part of the second year of a two-year project that began in 2023. This request leverages business license funds to directly impact small businesses in the downtown core. Revitalization work includes new directional signage, landscape and other public amenities.

2023-106

APPLICANT: Commercial Façade Improvement Program (CFIP)

REQUEST: \$65,000 for façade improvement grants

DETAILS: Pursuant to RMC 5.04.388 the Economic Development office is charged with management of the Commercial Façade Improvement Program. Each year BLRF funds must be applied for and set aside for the program based on EDC recommendation. These funds are used to match private investment, up to \$20,000, for façade improvements. The CFIP fund anticipates a carryover of \$60,000 from 2023 funds. On average, the fund has provided two to four façade grants each year, for the past 4 years. With full funding, the program could fund six projects in 2024.

RECOMMENDATION:

Staff recommends the following allocations for the 2024 funding recommendation from the Economic Development Committee.

Description	Applicant	Amount
Workforce Development Scholarships	Visit Tri-Cities (partner with WSU)	\$10,000
Business Resilience Counseling	Small Business Dev. Ctr	\$ -0- *
Marketing & Events	Uptown BID	\$20,700
Maintenance & Marketing	Downtown BID	\$12,720
Downtown Revitalization	UDIB & DBID	\$10,000
Façade Improvement Program	COR Economic Development	\$65,000
Total		\$118,420

*Staff's recommendation is based on the nexus between the applicant's program and its specific benefit and targeted offering to Richland businesses.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2023-188, Authorizing a Reimbursable Agreement with Bonneville Power Administration for Preliminary Engineering Activities and Facilities Study of Transmission Interconnection Request No. L0534 - Atlas Agro

Department/Office
Energy Services

Ordinance/Resolution Number:
2023-188

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-188, authorizing a Reimbursable Agreement with Bonneville Power Administration for Preliminary Engineering Activities and Facilities Study of Transmission Interconnection Request No. L0534 - Atlas Agro.

Summary:

On August 15, 2022, the City submitted a Bonneville Power Administration (BPA) Line and Load Interconnection Request for transmission capacity in the Northwest Advanced Clean Energy Park to serve 300 MW of prospective industrial load to Atlas Agro and 50 MW of future loads. BPA assigned the 300 MW interconnection queue as Request No. L0534. The 50 MW was previously assigned as Request No. L0458.

BPA performed a Line and Load Interconnection System Impact Study (LLISIS) on September 28, 2023 to assess the impact of interconnecting the facilities to BPA's transmission system. BPA provided a non-binding estimate of \$180.8M for the facilities associated with the interconnection of L0534 and identified it as contingent upon six transmission reinforcement projects expected to be completed by the end of 2027. One of the six BPA projects includes completion of the South Tri-Cities Reinforcement, which consists of the new Webber Canyon 500/115kV Substation and 17 miles of 115kV transmission line to Badger Canyon Substation.

The next step for Request No. L0534 is for BPA to perform a Line and Load Interconnection Facilities Study (LLIFS) at BPA's expense and to perform preliminary engineering activities at the City's expense. BPA requires \$6.2M in advance funding under the Reimbursable Agreement for completing the preliminary engineering activities. BPA will require additional funding for further work associated with the interconnection request that will be expected in 2024. The costs associated with Request No. L0534 will be paid through a separate Memorandum of Understanding (MOU) and Cost Allocation Agreement between the City and Atlas Agro. The BPA Reimbursable Agreement is expected to be reimbursed as a credit, over a twenty-year term, as part of the New Large Single Load (NLSL) power and transmission bill serving Atlas Agro.

Staff recommends adoption of Resolution No. 2023-188.

Fiscal Impact: The fiscal impact is neutral as all costs from BPA for Interconnection Request L0534 will be paid by Atlas Agro through an MOU and Cost Allocation Agreement.

Attachments:

1. Resolution No. 2023-188
2. Reimbursable Agreement with BPA

RESOLUTION NO. 2023-188

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING A REIMBURSABLE AGREEMENT WITH THE
BONNEVILLE POWER ADMINISTRATION FOR PRELIMINARY
ENGINEERING ACTIVITIES AND FACILITIES STUDY OF
TRANSMISSION REQUEST NO. L0534 – ATLAS AGRO.**

WHEREAS, the City of Richland is a consumer-owned electric municipal utility obtaining wholesale transmission and power services from the Bonneville Power Administration (BPA); and

WHEREAS, the City provides retail electric utility service to customers with infrastructure planning transmission interconnection requests coordinated through BPA; and

WHEREAS, the City submitted a BPA transmission line and load interconnection Request No. L0534 on or about August 15, 2022, to support additional transmission capacity for the Atlas Agro prospective project load in the Northwest Advanced Clean Energy Park; and

WHEREAS, BPA has tendered to the City for execution that certain Reimbursable Agreement No. 23TP-13083, BPA Contract, in which BPA will perform, at its expense, a Line and Load Interconnection Facilities Study (LLIFS); and

WHEREAS, pursuant to the terms and conditions of the BPA Reimbursable Agreement, BPA will also complete, at the City's expense, preliminary engineering activities required to facilitate Request No. L0534; and

WHEREAS, subject to the terms and conditions set forth, upon execution of the BPA Reimbursable Agreement by the City, the City agrees to pay BPA directly for the BPA work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute the Reimbursable Agreement with BPA for Preliminary Engineering Activities and Facilities Study of Transmission Request No. L0534 - Atlas Agro.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

This space intentionally left blank.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

**U.S. DEPARTMENT OF ENERGY
BONNEVILLE POWER ADMINISTRATION
AGREEMENT**

1. AGREEMENT NUMBER 23TP-13083	2. AGREEMENT EFFECTIVE FROM DATE IN BLOCK 4 UNTIL See Section 2 of the Division of Responsibilities Statement	3. AMENDMENT NO. -0-	4. EFFECTIVE DATE Same as Block #17
ISSUED TO		ISSUED BY	
5. ORGANIZATION AND ADDRESS City of Richland, Washington ATTN: Mr. Clint Whitney, Energy Services Director 625 Swift Boulevard MS-21 Richland, WA 99352		6. ORGANIZATION AND ADDRESS U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith – TPCC/TPP-4 P.O. Box 61409 Vancouver, WA 98666	
7. TECHNICAL CONTACT Kelly Hill	PHONE NUMBER (509) 942-7416	8. TECHNICAL CONTACT Joe Braley	PHONE NUMBER (509) 544-4776
9. ADMINISTRATIVE CONTACT Clint Whitney	PHONE NUMBER (509) 942-7402	10. ADMINISTRATIVE CONTACT Eric Carter	PHONE NUMBER (360) 619-6006
11. TITLE/BRIEF DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS AGREEMENT PRELIMINARY ENGINEERING ACTIVITIES AND FACILITIES STUDY FOR LINE AND LOAD INTERCONNECTION REQUEST NO. L0534 – ATLAS AGRO Background: On August 15, 2022, the City of Richland, Washington (Richland) submitted a Line and Load Interconnection Request, seeking to interconnect to the Bonneville Power Administration's (BPA) facilities near BPA's White Bluffs Substation to serve 350 MW. The request was entered into BPA's Interconnection Queue as Request No. L0534 (Request). BPA performed a Line and Load Interconnection System Impact Study (LLISIS) to assess the impact of interconnecting Richland's facilities to BPA's transmission system, and on the transmission systems of any third parties. The LLISIS report was issued to Richland on September 28, 2023. Agreement: This Reimbursable Agreement (Agreement) provides for BPA, at BPA's expense, to perform a Line and Load Interconnection Facilities Study (LLIFS) as part of the planning obligation to serve load growth for Network Integration Transmission Service customers, and for BPA, at Richland's expense, to perform preliminary engineering activities required to facilitate the Request. BPA requires \$6,200,000 in advance funding under this Agreement for completing the preliminary engineering activities. Specific duties are defined in the attached Division of Responsibilities Statement. <u>The following documents are attached to and become a part of this Agreement:</u> • Division of Responsibilities Statement • Financial Terms and Conditions Statement			
12. AMOUNT TO BE PAID BY BPA \$-0-		13. AMOUNT TO BE PAID TO BPA \$6,200,000 (estimated)	
14. SUBMIT SIGNED AGREEMENT TO U.S. Department of Energy Bonneville Power Administration ATTN: Brian Galbraith – TPCC/TPP-4 P.O. Box 61409 Vancouver, WA 98666		15. ACCOUNTING INFORMATION <i>(For BPA Use Only)</i> 16. SUBMIT INVOICE TO <i>(Name and Address)</i> Same as Block #5 above.	
PARTICIPANT		BPA	
17. APPROVED BY <i>(Signature)</i> Jon Amundson, ICMA-CM City Manager	DATE <i>(mm/dd/yyyy)</i> 	18. APPROVED BY <i>(Signature)</i> 	DATE <i>(mm/dd/yyyy)</i>
NAME AND TITLE Jon Amundson, ICMA-CM City Manager		NAME AND TITLE Senior Transmission Account Executive Transmission Sales	

BPA and Richland hereby agree as follows:

1. DIVISION OF RESPONSIBILITIES

- (a) **BPA shall, at BPA's expense:**
Perform a LLIFS.
- (b) **BPA shall, at Richland's expense:**
 - (1) Perform preliminary engineering activities required to facilitate the Request.
 - (2) Develop the Project Scope Package (Phase 1), including:
 - a. Preliminary total project estimates.
 - b. Preliminary project schedule.
 - c. Technical scoping information, preliminary bill of materials, and early risk identification.
 - d. Schedule and estimate to complete the Firm Fixed Price Package (Phase 2) activities.

2. TERM & TERMINATION

- (a) This Agreement shall become effective upon execution by both parties and shall terminate upon full performance by both parties of their respective obligations set forth herein, but in no event shall the term of this Agreement exceed five years from its effective date.
- (b) This Agreement may be terminated by either party prior to full performance
 - (i) upon written notice at any time before Payment No. 2 is due, and (ii) at any other time upon 30 calendar days' written notice of intent to terminate to the other party. Either party may issue a written notice of intent to terminate to the other party for any reason, including but not limited to a default by the other party of its obligations set forth in this Agreement.
 - (1) Upon issuance of a written notice of intent to terminate, BPA shall take reasonable steps to cease work on the items set forth above in Section 1(b), which are the financial responsibility of Richland.
 - (2) Within 15 calendar days of a party providing written notice of intent to terminate, the appropriate managers and executives of both parties will meet and discuss in good faith the notice of intent to terminate and determine if they can find a mutually acceptable solution to the issue(s) that gave rise to the notice of intent to terminate.

- a. In the event the parties can agree upon a mutually acceptable solution, the party who provided the written notice of intent to terminate shall withdraw the notice by subsequent written notice.
 - b. In the event the parties cannot agree upon a mutually acceptable solution, this Agreement will terminate after 30 calendar days of the written notice of intent to terminate.
- (c) If this Agreement is terminated prior to the work set forth in Section 1, above, being completed, the parties agree:
 - (1) Richland shall pay BPA's reasonably incurred costs associated with completed or ongoing work tasks set forth above in Section 1(b) that BPA was performing at Richland's expense prior to the issuance of the notice of intent to terminate. If Richland terminates this Agreement prior to full performance, Richland shall also pay any reasonably incurred expense(s) by BPA after Richland's issuance of the notice to terminate necessary for BPA to terminate the work set forth above in Section 1.
 - (2) In the event Richland terminates this Agreement for any other reason than a BPA default, then Richland's Line and Load Interconnection Request No. L0534 will be removed from BPA's queue and will receive no further consideration, unless otherwise agreed by the parties.

3. UNCONTROLLABLE FORCES

The parties shall not be in breach of their respective obligations to the extent the failure to fulfill any obligation is due to an Uncontrollable Force. "Uncontrollable Force" means an event beyond the reasonable control of, and without the fault or negligence of, the party claiming the Uncontrollable Force, that prevents that party from performing its contractual obligations under this Agreement and which, by exercise of that party's reasonable care, diligence and foresight, such party was unable to avoid. Uncontrollable Forces include, but are not limited to:

- (a) strikes or work stoppage;
- (b) floods, earthquakes, fire, or other natural disasters; terrorist acts; epidemics, pandemics and
- (c) final orders or injunctions issued by a court or regulatory body having competent subject matter jurisdiction which the party claiming the Uncontrollable Force, after diligent efforts, was unable to have stayed,

suspended, or set aside pending review by a court of competent subject matter jurisdiction.

Neither the unavailability of funds or financing, nor conditions of national or local economies or markets shall be considered an Uncontrollable Force. The economic hardship of either party shall not constitute an Uncontrollable Force. Nothing contained in this provision shall be construed to require either party to settle any strike or labor dispute in which it may be involved.

If an Uncontrollable Force prevents a party from performing any of its obligations under this Agreement, such party shall: (1) immediately notify the other party of such Uncontrollable Force by any means practicable and confirm such notice in writing as soon as reasonably practicable; (2) use its best efforts to mitigate the effects of such Uncontrollable Force, remedy its inability to perform, and resume full performance of its obligation hereunder as soon as reasonably practicable; (3) keep the other party apprised of such efforts on an ongoing basis; and (4) provide written notice of the resumption of performance. Written notices sent under this section must comply with Section 4, Notices.

4. NOTICES

Any notice or other communication related to this Agreement shall be delivered in person, by email, First Class mail or overnight delivery service to the Technical or Administrative contact set forth above. Notices are effective on the date received.

5. LIMITATION OF LIABILITY

Neither party shall be liable to the other party for any lost or prospective profits or any special, punitive, exemplary, consequential, incidental or indirect losses or damages under this Agreement.

6. TRANSMISSION CREDITS

If applicable, BPA and Richland intend to enter into a separate long-term agreement that describes the classification of network upgrades eligible for transmission credits, and the terms of repayment of such credits.

7. PROJECT SCHEDULE

The estimated completion date for the activities being performed under this Agreement is twelve months following BPA's receipt of an executed Agreement and advance funding from Richland. BPA reserves the right to modify the project schedule by providing written notice to Richland of the schedule change.

DIVISION OF RESPONSIBILITIES STATEMENT

BPA's cost of performing the preliminary engineering at Richland's expense shall be the actual cost of doing the work specified in this Agreement, plus an overhead rate of 24%, representing the indirect costs of performing the work plus the contractual support costs of contract negotiation, billing and accounting functions, and contract management.

Richland hereby agrees to advance \$6,200,000, the estimated preliminary engineering cost, to BPA based on the following payment schedule:

Payment	Amount	Date Due
1	\$1, 500,000	Within 30 days of Agreement Execution
2	\$1,500,000	May 31, 2024
3	\$1,500,000	August 31, 2024
4	\$1,700,000	October 31, 2024

If BPA needs additional funds to complete the work at any time during performance of the preliminary engineering, BPA may request, in writing, for Richland to advance such additional funds to BPA for deposit in the account. Richland shall advance such additional funds within 30 days of BPA's written request, and BPA may temporarily stop work until Richland supplies the requested funds. If Richland does not advance such additional funds by the due date or, if at any time before completion of the preliminary engineering Richland elects to stop work under this Agreement, BPA has the right to cease all work and restore, as a cost to the preliminary engineering at Richland's expense, government facilities and/or records to their condition prior to the beginning of work under this Agreement.

Within a reasonable time after completion of the preliminary engineering, BPA shall make a full accounting to Richland showing the actual costs charged against the account. BPA shall either remit any unexpended balance in the account to Richland or bill for any costs in excess of the deposits in the account. Richland shall pay any excess costs within 30 days of the invoice date (due date).

Payments not received by the due date will accrue interest on the amount due beginning the first calendar day after the due date to the date paid, at an annual interest rate equal to the higher of i) the prime rate (as reported in the Wall Street Journal in the first issue published during the month in which payment by Richland is due) plus 4 percent; or ii) such prime rate multiplied by 1.5.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2023-189, Authorizing Award of Bid to Layne of Washington, Inc. for 2024 Pump Maintenance and Repair

Department/Office
Public Works

Ordinance/Resolution Number:
2023-189

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-189, authorizing the City Manager to sign and execute an agreement with Layne of Washington, Inc. for the inspection, repair, replacement and resetting of major pumping units at the City's water treatment plants.

Summary:

The 2023-2028 Capital Improvement Plan (CIP) includes a fully-funded program titled Water Treatment Renewal and Replacement Program. This program preserves the City's substantial investment in its water treatment plants by completing timely renewal and replacement of compromised elements. The major pumping units associated with the water treatment plants require regular inspection, rehabilitation, and replacement to ensure reliable service. Work is best performed on the major pumping units during the winter low-demand months.

The City relies on contractors to rehabilitate and replace its major pumping units because servicing them requires large mobile cranes and sophisticated machine shops which the City does not possess. Bids were solicited in accordance with the City's purchasing policies for contract services to remove, inspect, replace, and rehabilitate major pumping units, with three (3) bids received and opened on Tuesday, November 28, 2023. The bids include and were evaluated on the basis of predicted workload to remove, inspect and reset six (6) pumping units in 2024. Repair, rehabilitation, and/or replacement of pumping units was not included in the bidding process because each pumping unit requires a unique package of work that is only apparent once a thorough inspection has taken place. The repair, rehabilitation, and/or replacement work will be established and paid for based on an established shop labor rate and specific material requirements of each unit. Layne of Washington, Inc. submitted the lowest responsible bid of the three (3) bids received. All bid prices received were within the expected range of the engineer's estimate.

Sufficient funding is available, and the City's best interests are served by completing the Program in accordance with the CIP and lowest responsible bid.

Staff recommends adoption of Resolution No. 2023-189.

Fiscal Impact:

Adequate funding in the amount of \$535,000 is available within the 2024 Water Utility Capital Fund budget. The adopted budget allows for maintenance and repair of six (6) scheduled pumps in 2024.

Attachments:

1. Resolution No. 2023-189
2. ITB 23-0076 Bid Tab

RESOLUTION NO. 2023-189

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING AWARD OF BID TO LAYNE OF WASHINGTON,
INC. FOR THE 2024 PUMP MAINTENANCE AND REPAIR
PROGRAM.**

WHEREAS, the 2023-2028 Capital Improvement Plan (CIP) includes a fully funded program titled Water Treatment Renewal and Replacement Program (the “Program”); and

WHEREAS, the Program preserves the City’s substantial investment in its Water Treatment Plant (WTP) by completing timely renewal and replacement of compromised elements; and

WHEREAS, the major pumping units associated with the WTP require regular inspection, rehabilitation, and replacement to ensure reliable service; and

WHEREAS, work is best performed on the major pumping units during the winter low-demand months; and

WHEREAS, bids were solicited in accordance with the City’s purchasing policies, with three (3) bids received and opened on November 28, 2023; and

WHEREAS, Layne of Washington, Inc. submitted the lowest responsible bid of the three (3) bids received; and

WHEREAS, sufficient funding is available to complete the Program; and

WHEREAS, the City’s best interests are served by completing the Program in accordance with the CIP and lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a contract with Layne of Washington, Inc. in an amount not to exceed \$500,000.00 for the 2024 Pump Maintenance and Repair Program, and to execute change orders in an aggregate amount not to exceed \$35,000 as needed to fulfill the Program’s intent.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Adopted 12/19/2023

Resolution No. 2023-189

City of Richland

DATE BIDS OPENED:	NOVEMBER 28, 2023	ITB #	23-0076
2024 PUMP MAINTENANCE AND REPAIR PROGRAM			

Item	Description	Qty	Unit	ENGINEER'S ESTIMATE		LAYNE OF WASHINGTON, INC PASCO, WA		INTERMECH, INC RICHLAND, WA	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	BASE BID								
1	Remove, inspect and reinstall vertical turbine pump and motor units	6	EA	\$8,750.00	52,500.00	2,500.00	15,000.00	7,808.29	46,849.74
2	Crane for vertical turbine unites	6	EA	8,750.00	52,500.00	2,400.00	14,400.00	4,118.04	24,708.24
3	Remove, inspect and reinstall submersible wellfield pump and motor units	2	EA	8,750.00	17,500.00	5,000.00	10,000.00	8,403.38	16,806.76
4	Crane for submersible units	2	EA	8,750.00	17,500.00	0	0	4,713.13	9,426.26
5	Field Labor Rate for maintenance, reconditioning, repairs or replacement of the pumps and motors	130	HR	150.00	19,500.00	165.00	21,450.00	145.17	18,872.10
6	Shop Labor Rate for maintenance, reconditioning, repairs or replacement of the pumps and mortor	100	HR	150.00	15,000.00	165.00	16,500.00	145.17	14,517.00
BASE BID SUBTOTAL					\$174,500.00		\$77,350.00		\$131,180.10
8.7% SALES TAX					15,181.50		6,729.45		11,412.67
BASE BID TOTAL					\$189,681.50		\$84,079.45		\$142,592.77

Item	Description	Qty	Unit	BENDER CCP, INC PORTLAND, OR					
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	BASE BID								
1	Remove, inspect and reinstall vertical turbine pump and motor units	6	EA	97,288.25	583,729.50		-		-
2	Crane for vertical turbine unites	6	EA	12,500.00	75,000.00		-		-
3	Remove, inspect and reinstall submersible wellfield pump and motor units	2	EA	93,288.25	186,576.50		-		-
4	Crane for submersible units	2	EA	12,500.00	25,000.00		-		-
5	Field Labor Rate for maintenance, reconditioning, repairs or replacement of the pumps and motors	130	HR	230.00	29,900.00		-		-
6	Shop Labor Rate for maintenance, reconditioning, repairs or replacement of the pumps and mortor	100	HR	180.00	18,000.00		-		-
BASE BID SUBTOTAL					\$918,206.00				
8.7% SALES TAX					79,883.92		-		-
BASE BID TOTAL					\$998,089.92				

*totals in red are corrected



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 2023-190, Adopting the 2024 Fee Schedule

Department/Office
Finance

Ordinance/Resolution Number:
2023-190

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-190, approving the City of Richland 2024 Fee Schedule.

Summary:

In 1999, through adoption of Resolution No. 104-99, City Council established a process by which fees provided for in the City's fee schedule would be reviewed and administratively adjusted on an annual basis. A comprehensive review of the fee schedule was last conducted in late 2019 and effective beginning January 1, 2020. Administrative adjustments have occurred since then.

On occasion, the fee schedule requires City Council review and approval to add or adjust fees outside the approved administrative authority.

Staff's recommended adjustments to the existing fee schedule include removal of obsolete fees (CD/DVDs for production of public records) and adjustments to the rental and street lighting rates resulting from the city-wide retrofit to LED lights. In addition, new fees were added to the schedule related to opt-out provisions associated with implementation of the City's new Advanced Metering Infrastructure (AMI).

Staff recommends adoption of Resolution No. 2023-190.

Fiscal Impact:

The fees established in the 2024 Fee Schedule are intended to reflect the appropriate level of cost recovery based on the specific service being sought. In most instances, the fees collected will provide some off-set, but will not result in full cost recovery (excluding fees adjusted to ensure full cost recovery as required by law).

Attachments:

- I. Resolution No. 2023-190

RESOLUTION NO. 2023-190

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING AND UPDATING FEES AND CHARGES FOR
SERVICES THE CITY OF RICHLAND PROVIDES TO ITS
CITIZENS.**

WHEREAS, in 1999, through adoption of Resolution No. 104-99, Richland City Council established a process by which fees provided for in the City's fee schedule would be reviewed and administratively adjusted on an annual basis; and

WHEREAS, effective January 1, 2020, through adoption of Resolution No. 147-19, the City approved a comprehensive review and update of its existing fee schedule; and

WHEREAS, on occasion, the fee schedule requires City Council review and approval to add or adjust fees outside the approved administrative authority.

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

1. The 2024 Fee Schedule, attached as **Exhibit A** and incorporated by this reference, is hereby adopted. The fees provided therein are effective January 1, 2024.
2. The fees set forth in the adopted 2024 Fee Schedule will be reviewed on an annual basis by the Finance Director or designee and adjusted consistent with each fee's identified adjustment factor; provided, however, that fees, rates and charges, the value of which is expressly set by ordinance, may only be modified by Council action.
3. To the extent the fee information contained in this Resolution No. 2023-191 conflicts with fee information contained in any other fee resolution of Council, said resolutions are hereby superseded.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



City of Richland Fee Schedule

Draft



Following is a schedule summarizing City user fees and charges. Although a comprehensive listing is intended, additional fees and charges may exist in the Richland Municipal Code or other City resolution that are not captured in the fee schedule. Failure to list the fee in the fee schedule does not limit its applicability.

Authority: Fee authority is by statute ("S"), resolution ("R") or contract ("C"). Where "S & R" is indicated, the fee is authorized by statute but determined by resolution. As city programs are introduced or modified, staff are directed and authorized to ensure cost recovery effectiveness by implementing necessary user fees and charges not to exceed actual costs.

Adjustment Factor: Each fee in the fee schedule has a corresponding adjustment factor, which is the factor on which fee adjustments are based. Levels to which fees are rounded are indicated. Consistent with the City's established process, fees and charges are reviewed annually (usually at year-end) and will be adjusted as appropriate. The various adjustment factors are as follows:

A	Cost of service analysis (COSA) by independent third party. This method is customarily used to determine utility rates and charges. The COSA will need to determine that recovery is sufficient to ensure that bond covenants are met.
B	Cost of outside instructors, materials and supplies plus 30%, which is the customary basis for Richland's recreation fees.
C	Annual percent change in the Consumer Price Index – U.S. city average - urban wage and clerical workers (CPI-W) August through July. CPI values will be aggregated over time.
F	Building valuation data published annually by the International Code Council (ICC).
H	Survey of the market and the market average.
I	Established by negotiated contract, franchise or operating agreement.
K	Pass-thru of charge(s) from a financial institution.
M	Based on 70% of the Washington State fee for industrial discharge (See WAC 173-224).
N	Fees are based on the historical average(s) for service projects. Fees are adjusted to reflect current costs for material, equipment and labor associated with performing the service.
O	Fees are codified in the Richland Municipal Code (RMC), the Revised Code of Washington (RCW), or are established by another agency with statutory or contractual jurisdiction over the fee structure.

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
MISCELLANEOUS FEES - PUBLIC RECORDS				
O	Photocopy Fee (black & white or color; 8x11, 8x14, 11x17)	Per page	\$0.15	S
O	Scanned Records (per page charge for converting paper to electronic format; 8x11, 8x14, 11x17)	Per page	\$0.10	S
O	Electronic Records	Per every 4 electronic records	\$0.05	S
O	Electronic Transmission of Records	Per gigabyte (GB)	\$0.10	S
O	Redaction of Body-Worn Camera Footage (video/audio) (not applicable to RCW 42.56.240(14)(e)(i) requestors)	Per minute of redaction effort	\$0.63	S & R
O	Customized Service Charge (requests requiring information technology expertise to prepare data or provide customized electronic access)	N/A	Actual cost	S
O	Digital Device for Transfer (USB flash drive, external hard drive)	Per device	Actual cost	S
O	Postage	Per item	Actual cost	S
O	Mailing Materials			
	Any Size Manilla Envelope	Per envelope	\$0.45	S
	Box, Bubble Wrap, Etc.	Per item/amount used	Actual cost	S
Note: Fees totaling \$1.00 or less per request will be waived. The City reserves the right to combine multiple requests that are strategically submitted to avoid paying fees.				
MISCELLANEOUS FEES - POLICE				
O	Fingerprinting	Per request	\$5.00	S & R
O	Records Check	Per individual checked	\$5.00	S & R
O	Vehicle Impound Fee	Per vehicle	\$50.00	S
O	Concealed Pistol License	Fee set by State of Washington	See DOL website	S
MISCELLANEOUS FEES - BUSINESS/SOLICITOR LICENSES				
O	Business License	Per business license	\$40.00 plus \$12.00 per employee over 2	S
O	Business License	Per property rental license	\$40.00 plus \$2.00/rental unit	S
O	Temporary Business License	Private or City-sponsored special event	\$10.00	S
O	Solicitor License	Valid for up to 30 days	\$10.00	S
O	Solicitor License	Valid for up to 90 days	\$30.00	S
MISCELLANEOUS FEES - UTILITY BILLING AND FINANCE FEES				
H	Web Check Request for Information on City Liens	Per request	\$20.00	R
O	Utility Billing Non-Payment Contact Fee (Written or Telephonic)	Per account/per contact (limit 2 per bill)	\$10.00	S
O	Utility Billing Dispatch Fee - For Non-Payment - At Shut Off Date	Per disconnect/per utility	\$50.00	S
O	Utility Billing Late Payment Interest Charge (City's Discretion)	Annually	12%	S
O	Utility Deposit (2 x monthly average bill for previous 12 months @ location or \$150 with no history)		See RMC 3.26.010-020 for exemptions	S & R
O	Electric/Water Shut-Off/Reconnect Per Customer Request	Per reconnect/per utility	\$50.00	R
O	After Hours Reconnect Fee Electric/Water	Reconnection	\$75.00	S
O	New Account Fee	Per account	\$15.00	S
H	Electric AMI Meter Opt-Out Installation Fee	Per installation	\$100.00	R
H	Electric AMI Meter Opt-Out Montly Charge	Per month	\$25.00	R
H	Water AMI Meter Opt-Out Installation Fee	Per installation	\$50.00	R
H	Water AMI Meter Opt-Out Montly Charge	Per month	\$25.00	R
N	Refuse Container Replacement Fee	Per container	\$100.00	S
K – To 1.00	Returned Check Fee	Per check	\$25.00	R
A – To 0.10	Accounts Receivable Late Charge	Per month on minimum \$10 at 60 days	1%	R

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
MISCELLANEOUS FEES - UTILITY RATES				
O	Electric	RMC Title 14	Per RMC	S
O	Water	RMC Title 18	Per RMC	S
O	Sewer	RMC Title 17	Per RMC	S
O	Solid Waste	RMC Title 15	Per RMC	S
O	Stormwater	RMC Title 16	Per RMC	S
O	Ambulance	RMC Title 13	Per RMC	S
BUILDING FEES				
F	Building Permit Fee	Per 1997 Uniform Building Code	Varies	S
F	Plumbing Permit Fee	Per 1997 Uniform Plumbing Code	Varies	S
F	Mechanical Permit Fee	Per 1997 Uniform Mechanical Code	Varies	S
O	Energy Code Fee	Per Valuation Table in RMC Title 21	Varies	S
O and F	Plan Review Fee	Additional 65% of Building Permit Fee	Varies	S
O	Deferred Submittal	RMC Title 21	Varies	S
O	Changes after Plan Approval/Permit Issuance-Residential	RMC Title 21	Varies	S
O	Changes after Plan Approval/Permit Issuance-Commercial	RMC Title 21	Varies	S
O	Additional Plan Review Fee	RMC Title 21	Varies	S
F	Plumbing Plan Review Fee	Additional 25% of Plumbing Permit Fee	Varies	S
F	Mechanical Plan Review Fee	Additional 25% of Mechanical Permit Fee	Varies	S
F	Factory Assembled Structures- Residential	Per installation	\$300.00	S
F	Factory Assembled Structures – Commercial - Temporary Use	Per installation	\$300.00	S
F	Factory Assembled Structures – Commercial - Permanent Use	Based on valuation of foundation	Varies	S
F	Grading Permit Fee	Per 1997 Uniform Building Code	Varies	S
<i>State Building Code Fee (remitted to the state) as follows: Projects permitted under IRC \$6.50 first unit/\$2.00 each add'l unit; Projects permitted under IBC or IEBC \$25.00/\$2.00 each add'l unit.</i>				
LAND DEVELOPMENT FEES				
C – To 5.00	Adjustment of Landscape Standards	Per application	\$105.00	S & R
C – To 5.00	Annexation Petition	Per annexation	\$1,465.00	S & R
C – To 5.00	Appeal of Administrative Decisions	Per appeal	\$670.00	S & R
C – To 5.00	Appeal of Board of Adjustment or Planning Commission Action		\$195.00 plus Transcript Costs	S & R
C – To 5.00	Binding Site Plan	\$575 minimum/no maximum	\$75.00/lot	S & R
C – To 5.00	Comprehensive Plan Change	Per request	\$1,465.00	S & R
C – To 5.00	Critical Areas - Fish & Wildlife Habitat Designations	Per request	\$870.00	S & R
C – To 5.00	Final Plat		\$450.00	R
C – To 5.00	Floodplain Permit	Per request	\$60.00	S & R
C – To 5.00	Park Impact Fees - Mobile Homes	Per unit	\$1,195.00	S
C – To 5.00	Park Impact Fees - Apartments > 5 Units	Per unit	\$1,055.00	S
C – To 5.00	Park Impact Fees -Apartments 3-4 Units	Per unit	\$1,300.00	S
C – To 5.00	Park Impact Fees - Single-Family Residential Unit	Per unit	\$1,680.00	S
C – To 5.00	Park Impact Fees - Townhomes and Duplexes	Per unit	\$1,500.00	S
C – To 5.00	Planned Unit Development	Per submittal	\$3,370.00	S & R
C – To 1.00	Plat Exemption/Lot Line Adjustment		\$255.00	R
C – To 5.00	Plat Vacation or Alteration	Per request	\$635.00	S & R
C – To 5.00	Preliminary Plat	\$1,315 minimum/\$3,835 maximum	\$50.00/lot	S & R
C – To 5.00	SEPA Review for Threshold Determination - No Notifications Required	Per application	\$225.00	S & R
C – To 5.00	SEPA Review for Threshold Determination - Notifications Required	Per application	\$450.00	S & R
C – To 5.00	Shoreline Exemption Letter	Per request	\$60.00	S & R

Adjustment Factor	Fee Description	Unit		Fee Amount		Authority
C – To 5.00	Shoreline Substantial Development Permit - Includes Variances and Special Use Permits	Per request		\$1,605.00		S & R
C – To 5.00	Shoreline Master Program Amendment	Per request		\$1,370.00		S & R
C – To 5.00	Short Plat	Per submittal		\$530.00		S & R
C – To 5.00	Plat Extension Request	Per submittal		\$105.00		S & R
C – To 5.00	Sidewalk Use License	Per request		\$205.00		S & R
C – To 5.00	Site Plan Review	Per request		\$1,465.00		S & R
C – To 5.00	Special Use Permit	Per request		\$530.00		S & R
C – To 5.00	Subdivision Amendments - Major Revisions	Per request		\$610.00		S & R
C – To 5.00	Subdivision Amendments - Minor Revisions	Per request		\$245.00		S & R
C – To 5.00	Subdivision/Short Plat Deviation Request	Per request		\$185.00		S & R
C – To 5.00	Targeted Urban Area Application Fee	Per request		\$500.00		R
C – To 5.00	Variance - Major	Per request		\$530.00		S & R
C – To 5.00	Variance - Minor	Per request		\$105.00		S & R
C – To 5.00	Critical Areas Variance	Per request		\$245.00		S & R
C – To 5.00	Wireless Communication Facilities Modifications Permit	Per request		\$60.00		S & R
C – To 5.00	Zone Change	Per request		\$1,465.00		S & R
C – To 5.00	Zoning Text Amendment	Per request		\$1,465.00		S & R
PARKS & RECREATION FEES						
RICHLAND COMMUNITY CENTER RENTAL RATES (PER HOUR/UNLESS DESIGNATED OTHERWISE)		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
C – To 0.25	Damage Deposit (all rooms/no alcohol)	\$182.75	\$182.75	\$182.75	\$182.75	R
C – To 0.25	Damage Deposit (all rooms/with alcohol)	\$518.00	\$518.00	\$518.00	\$518.00	R
C – To 0.25	Contract Administration Fee (non-refundable)	\$91.50	\$91.50	\$91.50	\$91.50	R
C – To 0.25	Portable Stage Rental (flat rate)	\$73.00	\$73.00	\$73.00	\$73.00	R
C – To 0.25	Community Center additional fee per hour before or after operating hours	\$60.75	\$60.75	\$60.75	\$60.75	R
C – To 0.25	Riverview (full room)	\$117.50	\$176.75	\$60.00	\$215.50	R
C – To 0.25	Riverview (half room)	\$87.75	\$135.00	\$44.00	\$161.00	R
C – To 0.25	Activity/Games Room	\$78.75	\$117.75	\$39.00	\$144.75	R
C – To 0.25	Meeting Room	\$59.50	\$87.75	\$20.00	\$109.25	R
C – To 0.25	Arts & Crafts	\$59.50	\$87.75	\$20.00	\$109.25	R
C – To 0.25	Kitchen	\$39.00	\$60.00	\$25.25	\$71.25	R
C – To 0.25	Games Room (Senior Gaming Series)	\$5.25	\$5.25	\$5.25	\$5.25	R
PARKS & FACILITY RENTALS - SPECIAL EVENTS		NON-PROFIT		COMMERCIAL		
C – To 0.25	Contract Administration Fee (non-refundable)	\$91.50		\$91.50		R
C – To 0.25	HAPO Community Stage with John Dam Plaza (all-day rental)	\$487.50		\$975.00		R
C – To 0.25	Central Howard Amon (including Ellipsoid Stage) or South Howard Amon Park (50 to 999 people; all-day rental)	\$243.75		\$487.50		R
C – To 0.25	Central Howard Amon (including Ellipsoid Stage) or South Howard Amon Park (1,000+ people; all-day rental)	\$426.50		\$853.25		R
C – To 0.25	Columbia Point Marina Park (full park)	\$731.25		\$975.00		R
C – To 0.25	Park Rental Damage Deposit (no alcohol and 150+ participants)	\$243.75		\$243.75		R
C – To 0.25	Park Rental Damage Deposit (with alcohol and/or HAPO stage, regardless of number of participants)	\$518.00		\$518.00		R
C – To 0.25	Park Rental Damage Deposit - Boat/Car/RV Shows	\$2,437.50		\$2,437.50		R
Facility Rental/Special Event Ala Carte		ALL USERS				
C – To 0.25	City Support Staff for Private Rentals/Special Events (general set-up)	\$25.25/hour				R
C – To 0.25	Lighting & Sound Equipment (includes support staff/2-hour minimum)	\$129.50/hour				R
C – To 0.25	Maintenance Staff (scheduled between 6:00 am - 3:30 pm/per person)	\$67.00/hour				R
C – To 0.25	Maintenance Staff (after 3:30/2-hour minimum/per person)	\$91.50/hour				R
N	Memorial Bench Donation	\$3,500.00				R

Adjustment Factor	Fee Description	Unit		Fee Amount		Authority
C – To 0.25	Community Garden Plot - Seasonal Rental (3' x 12' or 5' x 10' plot)			\$25.75		R
C – To 0.25	Community Garden Plot - Seasonal Rental (10' x 10' plot)			\$30.75		R
C – To 0.25	Community Garden Plot - Seasonal Rental (10' x 15' plot)			\$41.00		R
C – To 0.25	Community Garden Plot - Seasonal Rental (10' x 20' plot)			\$51.25		R
PARK SHELTER RENTAL RATES (PER HOUR/4-HOUR MINIMUM)		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
C – To 0.25	Fewer than 50 Participants (applies to Ellipsoid Stage)	\$15.50	\$23.75	\$9.25	\$28.50	R
C – To 0.25	50+ Participants	\$23.25	\$35.25	\$13.50	\$42.50	R
SPORTS FIELD/COURT RENTALS (2-HOUR MINIMUM)		RESIDENT		NON-RESIDENT		
C – To 0.25	Sports Field Application Fee for Non-Tournaments and Non-Special Events (per year)	\$30.00		\$30.00		R
C – To 0.25	Field/Court Hourly Rate (all courts/fields; 2-hour minimum)	\$6.50/hour		\$8.75/hour		R
C – To 0.25	City Support Staff at Sports Fields (2-hour minimum)	\$25.25/hour		\$25.25/hour		R
C – To 0.25	Ball Field Crew (6:00 am - 3:30 pm/2-hour minimum)	\$73.75/hour		\$73.75/hour		R
C – To 0.25	Ball Field Crew (after 3:30 pm/2-hour minimum)	\$107.75/hour		\$107.75/hour		R
C – To 0.25	Maintenance Staff (6:00 am - 3:30 pm/ per person)	\$69.50/hour		\$69.50/hour		R
C – To 0.25	Maintenance Staff (after 3:30 pm/2-hour minimum)	\$94.75/hour		\$94.75/hour		R
C – To 0.25	Sand Volleyball Full Groom (includes all 3 courts)	\$60.00		\$60.00		R
Sports Field/Court Rentals Ala Carte		ALL USERS				
C – To 0.25	Fence Set-up at Horn Rapids (per field)	\$122.00				R
C – To 0.25	Lighted Facilities (per field/court per day)	\$24.75				R
C – To 0.25	Turface/Chalk/Paint (per bag or per gallon)	\$18.25				R
C – To 0.25	Infield Full Groom (per field)	\$30.75				R
TOURNAMENTS AND SPECIAL EVENTS		ALL USERS				
C – To 0.25	Sports Field Application Fee for Tournaments or Contracted Athletic Special Events/per event (non-refundable)	\$91.50				R
C – To 0.25	Damage Deposit	\$304.75				R
C – To 0.25	Tournament at Columbia Playfields (all-day)	\$1,097.00				R
C – To 0.25	Tournament at Columbia Playfields (half-day)	\$609.50				R
C – To 0.25	Tournament at Horn Rapids/Claybell/Badger Mtn. Comm/Columbia Point/Jefferson (all-day)	\$853.25				R
C – To 0.25	Tournament at Horn Rapids/Claybell/Badger Mtn. Comm/Columbia Point/Jefferson (half-day)	\$487.50				R
BALL FIELD PAINT AND STRIPING FEES		ALL USERS				
C – To 0.25	Football Field Set-up (labor/materials)	\$560.75				R
C – To 0.25	Touch-up Paint (Football)	\$90.00				R
C – To 0.25	Lacrosse Field Set-up (labor/materials)	\$291.25				R
C – To 0.25	Touch-up Paint (Lacrosse)	\$90.00				R
C – To 0.25	Larger Soccer Field Set-up (labor/materials)	\$241.00				R
C – To 0.25	Touch-up Paint (Large Soccer)	\$72.00				R
C – To 0.25	Small Soccer Field Set-up (labor/materials)	\$219.25				R
C – To 0.25	Touch-up Paint (Small Soccer)	\$72.00				R
RECREATION PROGRAM FEES - AQUATICS - SWIM FEES		RESIDENT		NON-RESIDENT		
C – To 0.25	Child (3-6 years old) per session	\$1.25		\$1.25		R
C – To 0.25	Youth & Teen (7-17 years old) per session	\$2.50		\$2.50		R
C – To 0.25	Adult (18+) per session	\$3.50		\$3.50		R
C – To 0.25	Season Pass - Child (3-6 years old)	\$18.00		\$18.00		R
C – To 0.25	Season Pass - Youth & Teen (7-17 years old)	\$30.00		\$30.00		R
C – To 0.25	Season Pass - Adult (18+)	\$42.00		\$42.00		R
C – To 0.25	Pool Rental - 2-hour minimum session (not to exceed 200 participants)	\$311.50		\$389.50		R
C – To 0.25	Pool Rental - Additional per hour fee (after 2-hour minimum)	\$134.75		\$169.50		R

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
RECREATION PROGRAM FEES - NEW OR MODIFIED CITY PROGRAM/SERVICES				
C – To 0.25	New or Modified City Program	Not to exceed costs.		R
NOTES: RECREATION PROGRAM FEES - SPECIAL CLASSES AND PROGRAMS				
Special classes and programs are offered seasonally. Class fees vary and are based on material cost, number of class hours/days and administrative overhead. Program/class offerings and prices are updated every four (4) months. The Parks & Public Facilities (P&PF) Director is authorized to establish a fee schedule for P&PF programs. See the City's E-Activity Guide or contact the Parks & Public Facilities Department for current offerings and prices. The Parks & Public Facilities Director is authorized to deviate from this fee schedule per policy by offering reduced rates to senior citizens and low-income individuals as defined in RMC 3.29.030. Information regarding the availability of scholarships and/or discounted rates is available at the Richland Community Center. City programs and special events/activities will comply with Richland's programming guidelines, and are implemented based on community needs and interests. The Parks & Public Facilities Director establishes appropriate fees with annual updates according to the indicated adjustment factor code.				
Unless otherwise noted, Parks & Public Facilities fees are rounded to the nearest 0.25				
LIBRARY FEES				
H	Lost/Damaged Library Material	Per item	Retail price	R
H	Lost/Damaged Bar Code or RFID Label	Per item	\$3.00	R
H	Lost/Damaged DVD Case	Per item	\$3.00	R
H	Lost/Damaged Audio Book Case	Per item	\$7.00	R
H	Lost/Damaged Book Jacket	Per item	\$3.00	R
H	Lost/Damaged CD Case	Per item	\$2.00	R
H	Replacement Disc	Per item	\$8.00	R
H	Inter-library Loans of Library Materials	Per item	Lending Library Charges	R
H	Black & White Printer/Copy Machine Charges	Per page (No charge for first \$3.50/week)	\$0.10	R
H	Color Printer/Copy Machine Charges	Per page (No charge for first \$3.50/week)	\$0.25	R
H	iCard	Per year	\$25.00	R
H	Non-Resident Library Card	Per year	\$40.00	R
H	Non-Resident Family Library Card	Per year	\$75.00	R
H	*Conference Room Rental - Side A	Per hour	\$25.00	R
H	*Conference Room Rental - Side B	Per hour	\$25.00	R
H	*Gallery Room Rental	Per hour	\$75.00	R
<i>*Charges are for for-profit groups, groups charging admission or after hours. Adjustment of Library fees requires action by the Library Board.</i>				
COLUMBIA POINT GOLF COURSE FEES - DETERMINED BY THIRD-PARTY OPERATOR/SEE GOLF COURSE WEBSITE.				
GREEN FEES & RENTALS		18 HOLES	9 HOLES	
I – To 1.00	Weekday (Monday-Thursday)	\$46.00	\$30.00	C
I – To 1.00	Weekday (Monday-Thursday) Twilight (after 1:00 PM)	\$39.00	N/A	C
I – To 1.00	Weekday (Monday-Thursday) Super Twilight (after 4:00 PM)	N/A	\$30.00	C
I – To 1.00	Friday	\$51.00	\$28.00	C
I – To 1.00	Friday - Twilight (after 1:00 PM)	\$44.00	N/A	C
I – To 1.00	Friday - Super Twilight (after 4:00PM)	N/A	\$30.00	C
I – To 1.00	Weekend and Holidays	\$56.00	\$33.00	C
I – To 1.00	Weekend and Holidays - Twilight (after 1:00 PM)	\$49.00	N/A	C
I – To 1.00	Weekend and Holidays - Super Twilight (after 4:00 PM)	N/A	\$30.00	C
I – To 1.00	Senior (55+) Weekday (Monday-Thursday)	\$36.00	\$28.00	C
I – To 1.00	Senior (55+) Friday (after 1:00 PM)	\$42.00	N/A	C
I – To 1.00	Senior (55+) Weekend and Holidays (after 1:00 PM)	\$47.00	N/A	C
I – To 1.00	Senior (55+) *Preferred Card	\$18.00	N/A	C
I – To 1.00	Senior (55+) *Preferred Card Friday (after 1:00 PM)	\$21.00	N/A	C
I – To 1.00	Senior (55+) *Preferred Card Weekend & Holiday	\$23.50	N/A	C
I – To 1.00	League Play - 9 Holes (Monday-Friday)	N/A	\$28.00	C
I – To 1.00	*Preferred Weekday (Monday-Thursday)	\$23.00	N/A	C

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
I – To 1.00	*Preferred Friday	\$25.50	N/A	C
I – To 1.00	*Preferred Weekend & Holidays	\$28.00	N/A	C
I – To 1.00	Cart Rental (per rider)	\$19.00	\$13.00	C
MISCELLANEOUS GOLF COURSE FEES				
I – To 1.00	Practice Range	Small bucket	\$9.00	C
I – To 1.00	Practice Range	Medium bucket	\$11.00	C
I – To 1.00	Practice Range	Large bucket	\$13.00	C
I – To 1.00	Practice Range Monthly Pass	Monthly	\$45.95	C
I – To 1.00	Practice Range Pass (No Membership)	Annually	\$369.00	C
I – To 1.00	Practice Range Pass (*Preferred Card)	Annually	\$260.00	C
I – To 1.00	Practice Range Pass (Membership)	Annually	\$260.00	C
I – To 1.00	Annual Trail Fee	--	\$369.00	C
MEMBERSHIP FEES - SINGLE				
I – To 1.00	4-day		\$1,469.00	C
I – To 1.00	5-day		\$1,679.00	C
I – To 1.00	7-day		\$2,099.00	C
I – To 1.00	Preferred Player Card (discounts up to 50% and limited free play)	Per card (plus tax)	\$369.00	C
<i>*Yearly Preferred Card purchase required to receive the Preferred rates.</i>				
CITY GIS FEES				
C – To 0.50	GIS “D” Map	Copy	\$17.00	R
C – To 0.50	GIS “E” Map	Copy	\$23.00	R
C – To 1.00	Map Book	Copy	\$32.00	R
PUBLIC WORKS - WATER & SEWER FEES				
C – To 1.00	City Engineering Standards Electronic Book (CD) with Free Updates	Per electronic book	\$73.00	R
O	ROW Construction Permits - Single Family Residential	Per permit	\$150.00	S
O	ROW Construction Permits - Utility Trenching	Per permit	\$250.00	S
N	ROW - Public Infrastructure Plan Review Fee - Commercial/Industrial	Per engineering plan sheet	\$108.00	S
N	ROW - Public Infrastructure Plan Review Fee - Subdivision	Per engineering plan sheet	\$430.00	S
O	ROW Public Infrastructure - 3% Construction Permit	Per RMC 12.08.040	Varies	S
O	ROW Public Infrastructure - 2% Large Projects	Per RMC 12.08.040	Varies	S
O	ROW Construction Permit - Commercial with Private Stormwater Facility	Per permit	\$250.00	S
O	Encroachments/Relinquishments	Per Benton County recording fees	Actual Cost	R
O	ROW License/Franchise/Master Permit Fees	Per RMC 28.06	Varies	S
O	Road Impact Fees - Traffic Impact Zone 1	Per RMC 12.03	\$1,991.25	S
O	Road Impact Fees - Traffic Impact Zone 2	Per RMC 12.03	\$854.81	S
O	Road Impact Fees - Traffic Impact Zone 3	Per RMC 12.03	\$2,229.09	S
O	Road Impact Fees - Traffic Impact Zone 4	Per RMC 12.03	\$2,222.43	S
N	Water Meter Relocate - Meter Inside to Outside	Per meter	\$1,020.00	R
N	Water Meter Relocate - Meter Outside to Outside	Per meter	\$600.00	R
N	Water Meter Exchange - Meter Exchange to 1"	Per meter	\$260.00	R
N	Water Service Line Per Standard Detail W1 & W1A	On 1" or 2" line	\$1,150.00	R
WATER TAP FEES				
N	8” Main Line	6”	\$600.00	R
N	8” Main Line	8"	\$650.00	R
N	10” Main Line	6”	\$600.00	R
N	10” Main Line	8”	\$650.00	R

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
N	10” Main Line	10"	\$750.00	R
N	12” Main Line	6”	\$650.00	R
N	12” Main Line	8”	\$700.00	R
N	12” Main Line	10”	\$750.00	R
N	12” Main Line	12"	\$900.00	R
N	14” Main Line	6”	\$750.00	R
N	14” Main Line	8”	\$800.00	R
N	14” Main Line	10”	\$850.00	R
N	14” Main Line	12”	\$900.00	R
N	16” Main Line	6”	\$800.00	R
N	16” Main Line	8”	\$850.00	R
N	16” Main Line	10”	\$900.00	R
N	16” Main Line	12”	\$950.00	R
N	20” Main Line	6”	\$850.00	R
N	20” Main Line	8”	\$900.00	R
N	20” Main Line	10”	\$950.00	R
N	20” Main Line	12”	\$1,000.00	R
N	24” Main Line	6”	\$950.00	R
N	24” Main Line	8”	\$1,000.00	R
N	24” Main Line	10”	\$1,050.00	R
N	24” Main Line	12”	\$1,100.00	R
N	36” Concrete Cylinder Line	12”	3rd Party Contracted Cost	R
N	Subdivision 1” Service Tap	Contractor must supply materials	\$200.00	R
N	Subdivision 2” Service Tap	Contractor must supply materials	\$200.00	R
WATER LINE REPLACEMENT OF 20 LINEAR FEET OF ASBESTOS CEMENT PIPE WITH DUCTILE IRON PIPE				
N	6” Pipe - Replacement only		\$640.00	R
N	6” Pipe - Replacement with Excavation & Backfill		\$1,150.00	R
N	8” Pipe - Replacement only		\$720.00	R
N	8” Pipe - Replacement with Excavation & Backfill		\$1,230.00	R
N	10” Pipe - Replacement only		\$810.00	R
N	10” Pipe - Replacement with Excavation & Backfill		\$1,310.00	R
WATER METER CONNECTION FEES - SEE RMC 18.24.050 FOR FEES RELATED TO BADGER MOUNTAIN SOUTH OR OTHER MISCELLANEOUS CONNECTION FEES				
O	Per Foot Frontage Fee - Meters 3/4” to 4”	Per foot	\$15.00	S
N	Water Meter Fee - Size 3/4”	Meter fee	\$1,020.00	R
O	Connection Fee - Indoor & Non-Irrigation Users	Connection fee - Indoor	\$2,100.00	S
O	Connection Fee - Outdoor Landscape, Irrigation, Car Washes	Connection fee - Outdoor	\$2,990.00	S
N	Water Meter Fee - Size 1”	Meter fee	\$1,045.00	R
O	Connection Fee - Indoor & Non Irrigation Users	Connection fee - Indoor	\$2,100.00	S
O	Connection Fee - Outdoor Landscape, Irrigation, Car Washes	Connection fee - Outdoor	\$2,990.00	S
N	Water Meter Fee - Size 1 1/2”	Meter fee	\$2,750.00	R
O	Connection Fee - Indoor & Non Irrigation Users	Connection fee - Indoor	\$6,993.00	S
O	Connection Fee - Outdoor Landscape, Irrigation, Car Washes	Connection fee - Outdoor	\$9,957.00	S
N	Water Meter Fee - Size 2”	Meter fee	\$3,585.00	R
O	Connection Fee - Indoor & Non Irrigation Users	Connection fee - Indoor	\$11,193.00	S
O	Connection Fee - Outdoor Landscape, Irrigation, Car Washes	Connection fee - Outdoor	\$15,937.00	S

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
N	Water Meter Fee - Size 3"	Meter fee	\$2,600.00	R
O	Connection Fee - Indoor & Non Irrigation Users	Connection fee - Indoor	\$21,000.00	S
O	Connection Fee - Outdoor Landscape, Irrigation, Car Washes	Connection fee - Outdoor	\$29,900.00	S
N	Water Meter Fee - Size 4"	Meter fee	\$3,700.00	R
O	Connection Fee - Indoor & Non Irrigation Users	Connection fee - Indoor	By contract	S
O	Connection Fee - Outdoor Landscape, Irrigation, Car Washes	Connection fee - Outdoor	By contract	S
N	Water Meter Fee - Size 6"	Meter fee	\$4,900.00	R
O	Connection Fee - Indoor & Non Irrigation Users	Connection fee - Indoor	By contract	S
O	Connection Fee - Outdoor Landscape, Irrigation, Car Washes	Connection fee - Outdoor	By contract	S
O	Per Foot Frontage Fee - 6" Meter	Per foot	By contract	S
SEWER CONNECTIONS FEES				
O	Per Foot Frontage Fee - Meters 3/4" to 4"	Per foot	\$30.00	S
O	Sewer Connection Fee - Water Meter Size 3/4"	Per connection	\$2,995.00	S
O	Sewer Connection Fee - Water Meter Size 1"	Per connection	\$2,995.00	S
O	Sewer Connection Fee - Water Meter Size 1 1/2"	Per connection	\$9,973.00	S
O	Sewer Connection Fee - Water Meter Size 2"	Per connection	\$15,963.00	S
O	Sewer Connection Fee - Water Meter Size 3"	Per connection	\$29,950.00	S
O	Sewer Connection Fee - Water Meter Size 4"	Per connection	By contract	S
O	Sewer Connection Fee - Water Meter Size 6"	Per connection	By contract	S
O	Per Foot Frontage Fee - 6" Meter	Per foot	By contract	S
M	Industrial Discharge Fees	Per RMC 17.30	Varies	S
O	Discharge Authorization	Per RMC 17.30	\$250.00	S
O	Discharge Permit Transfer	Per RMC 17.30	\$250.00	S
O	Discharge Permit Modification Fee	Per RMC 17.30	\$500.00	S
O	High Strength Waste Fees	Per RMC 17.30	Varies	S
ELECTRICAL SERVICE FEES				
N	New Services - Overhead 200 Amp	First 100 feet	\$450.00	S & R
N	New Services - Underground 200 Amp	First 100 feet	\$625.00	S & R
N	New Services - Overhead 320 Amp	First 100 feet	\$550.00	S & R
N	New Services - Underground 320 Amp	First 100 feet	\$825.00	S & R
N	New Services - Overhead 400 Amp	First 100 feet	\$850.00	S & R
N	New Services - Underground 400 Amp	First 100 feet	\$1,125.00	S & R
N	New Services - Over 400 Amp	Based on cost estimate	Variable	S & R
ADDITIONAL SERVICE CHARGES				
N	Up To 225 Amps - Additional Footage over 100 Feet and less than 200 Feet	Additional fee based on added footage of cable over 100 feet at current cable cost		S & R
N	320 And 400 Amps - Additional Footage over 100 Feet and less than 200 Feet	Additional fee based on added footage of cable over 100 feet at current cable cost		S & R
N	Upgraded Cable Size for Services up to 400 Amps and Over 200 Feet in Length	Variable fee based on overall length at current cable cost		S & R
CUSTOMER REQUESTED DISCONNECTS/RECONNECTS				
--	Voluntary Disconnect or Reconnect Meter/Power Source (during work hours)	No charge	No charge	--
N – To 1.00	Voluntary Disconnect or Reconnect Meter Only (after hours)	Per call out	\$100.00	R
N – To 1.00	Voluntary Disconnect or Reconnect at Power Source (after hours)	Per call out/2-hour minimum	Actual cost	R
ALTERED SERVICE FEES				
N	Rewire and Relocate Existing Services	Based on cost estimate	Variable	S & R
N	Overhead-to-Underground Conversions	Based on cost estimate	Variable	S & R
N	Upgrading Services	Based on cost estimate	Variable	S & R

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
TEMPORARY SERVICES				
N	Metered Temporary Services - Install & Remove	Per job	\$225.00	S & R
N	Unmetered Temporary Services - Install & Remove	Per three (3) month duration	\$225.00	S & R
RENEWABLE ENERGY PROJECT METERING				
N	Net Meter Application Fee	Per job (plus any new electric fees)	\$150.00	S & R
RENTAL LIGHTING (Limited to existing distribution infrastructure and Chief Electrical Engineer approval)				
--	Install/Remove		No charge	S & R
Installed Type				
A	Low Wattage LED	45W nominally	\$0.25/day	S & R
A	High Wattage LED	100W nominally	\$0.33/day	S & R
A	Special LED	>100W nominally	\$0.90/day	S & R
DE MINIMIS UNMETERED LOADS				
A	De Minimis Unmetered Load		\$0.24/day	S & R
STREET LIGHTING				
A	Low Wattage LED	45W nominally	\$0.04/day	S & R
A	High Wattage LED	100W nominally	\$0.09/day	S & R
A	Special LED	200W nominally	\$0.18/day	S & R
A	Metered LED		\$0.0/day	S & R
PRIMARY LINE EXTENSION FEES				
<i>Permanent Service - Construction Allowance By Customer Class as follows:</i>		<i>Variable fee based on cost estimate less a construction allowance</i>		
A – To 10.00	Residential without Natural Gas Service	Construction allowance \$1,001	Variable	S & R
A – To 10.00	Residential with Natural Gas Service	Construction allowance \$600	Variable	S & R
A – To 10.00	Small General Service		Variable	S & R
A – To 10.00	Medium General Service		Variable	S & R
A – To 10.00	Large General Service		Variable	S & R
A – To 10.00	Small Industrial		Variable	S & R
A – To 10.00	Large Industrial		Variable	S & R
A – To 10.00	Small Irrigation		Variable	S & R
A – To 10.00	Large Irrigation		Variable	S & R
N	Indeterminate Service	Based on cost estimate	Variable	S & R
N	Temporary Service	Based on cost estimate	Variable	S & R
N	Overhead to Underground Conversions	Based on cost estimate	Variable	S & R
N	Special Service (Large New Customer)	Negotiated fee	Variable	S & R
N	Non-standard Service	Based on cost estimate or actual cost	Variable	S & R
POLE ATTACHMENT FEES				
O	Pole Attachment Application Fee	Per application	\$250.00	S
H	Pole Attachment Fee	Per pole	\$15.25	S & R
INACCESSIBLE METER CHARGES				
N	Relocate Inaccessible Revenue Meters	Per RMC 14.16.070	Actual cost	S & R
N	Additional Meters	Per RMC 14.16.090	Actual cost	S & R
N	Customer Requested Meter Test	Per RMC 14.16.110	Actual cost (minimum \$25)	S & R
ENERGY EFFICIENCY SERVICE FEES				
--	Residential/Commercial Energy Efficiency Loans	Based on term & efficiency measure	3.0% -7.0%	R

Adjustment Factor	Fee Description	Unit	Fee Amount	Authority
LOAN ORIGATION/SERVICING FEES				
O	Recording Fee - Security Interest Agreements (fee charged by Benton County Auditor)	First page and additional pages	See Benton County fee schedule	R
O	Recording Fee - Municipal Liens/Releases (fee charged by Benton County Auditor)	First page and additional pages	See Benton County fee schedule	R
C – To 1.00	Loan Service Fee	Per account	\$45.00	R
C – To 1.00	Subordination Fee	Per property	\$135.00	R
K	Credit Report	Per account	\$40.00	R
C – To 1.00	Title Report	Per account	\$230.00	R
-	Customer Cancellation Fee	Per property	Actual fees expended	R
C – To 1.00	Late Charge Fee	Per occurrence	\$24.00	R
AUTHORIZED CONTRACTOR FEES				
C – To 1.00	Contractor Application	Per application	\$450.00	R
C – To 1.00	Construction Re-Inspection	Per inspection	\$117.00	R



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 2023-191, Accepting Two Cybersecurity Grants in the amount of \$190,000 from the State of Washington and Local Cybersecurity Grant Program

Department/Office

Administrative Services Department

Ordinance/Resolution Number:

2023-191

Document Type:

Resolution

Recommended Motion:

Adopt Resolution No. 2023-191, authorizing the City Manager to accept two grants awarded from the Washington State Military Department through the State and Local Cybersecurity Grant Program to be used toward execution of the City's cybersecurity implementation plan.

Summary:

The City was recently notified that the Washington State Military Department, Emergency Management Division, has received \$3,667,735 from the U.S. Department of Homeland Security as part of the Infrastructure Investment and Jobs Act (IIJA). This State and Local Cybersecurity Grant Program (SLCGP) is an opportunity for the City to seek funding to support its ongoing cybersecurity plan. The Washington State Cybersecurity Planning Committee has submitted the State's Cybersecurity Plan to the Cybersecurity & Infrastructure Security Agency (CISA) for review and approval, as required by the IIJA. The city has been awarded \$190,000 for specific cybersecurity projects. This is a non-matching grant and the funds are available for future distribution.

Staff recommends adoption of Resolution No. 2023-191.

Fiscal Impact:

The City will receive \$190,000 in grant funds with no matching obligation.

Attachments:

1. Resolution No. 2023-191
2. Proposed Grant Agreement - City of Richland 22SLCGP

RESOLUTION NO. 2023-191

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
ACCEPTING CYBERSECURITY GRANTS FROM THE STATE AND
LOCAL CYBERSECURITY GRANT PROGRAM (SLCGP) OF THE
WASHINGTON STATE MILITARY DEPARTMENT.**

WHEREAS, the Washington State Military Department Emergency Management Division (EMD) received \$3,667,735 from the U.S. Department of Homeland Security as part of the Infrastructure Investment and Jobs Act (IIJA) to address cybersecurity risks and threats to information systems owned or operated by state, local and territorial governments; and

WHEREAS, the State and Local Cybersecurity Grant Program (SLCGP) provided an opportunity for the City of Richland to seek funding to support its ongoing cybersecurity plan; and

WHEREAS, the Cybersecurity and Infrastructure Security Agency (CISA) approved Washington's cybersecurity plan as required by the IIJA and prepared by the Washington State SLCGP Planning Committee; and

WHEREAS, the City of Richland submitted two applications to the Washington State Military Department; and

WHEREAS, on September 1, 2023 and November 8, 2023 respectively, the City was notified that the Washington State Military Department approved two (2) grant submissions in the amounts of \$100,000 and \$90,000 for a total award amount of \$190,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute grant agreements and associated documentation from the Washington State Military Department to accept State and Local Cybersecurity Grant Program (SLCGP) funds in the amount of \$190,000.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Washington Military Department
STATE AND LOCAL CYBERSECURITY GRANT PROGRAM AGREEMENT FACE SHEET

1. Subrecipient Name and Address: Richland, City of 625 Swift Blvd Richland, WA 99352		2. Grant Agreement Amount: \$100,000		3. Grant Agreement Number: E24-205	
4. Subrecipient Contact, phone/email: Deepti Vijayan, 509-942-7499 dvijayan@ci.richland.wa.us		5. Grant Agreement Start Date: December 1, 2022		6. Grant Agreement End Date: January 31, 2025	
7. Department Contact, phone/email: Courtney Bemus, 253-512-7141 courtney.bemus@mil.wa.gov		8. Unique Entity Identifier (UEI): KMRXS36K5921		9. UBI # (state revenue): 036-001-852	
10. Funding Authority: Washington Military Department (the Department) and the U.S. Department of Homeland Security (DHS)					
11. Federal Funding Identification #: EMW-2022-CY-00017		12. Federal Award Date: 12/21/2022		13. Assistance Listings # & Title: 97.137 – 22SLCGP	
14. Total Federal Award Amount: \$3,666,530		15. Program Index # & OBJ/SUB-OBJ: 725C3 (State), 725C4 (Local-Rural), 725C5 (Local-Not Rural) / NZ			16. EIN 91-6015119
17. Service Districts: BY LEGISLATIVE DISTRICTS: 8 BY CONGRESSIONAL DISTRICTS: 4		18. Service Area by County(ies): Benton		19. Women/Minority-Owned, State Certified: ☒ N/A ☐ NO ☐ YES, OMWBE # _____	
20. Agreement Classification ☐ Personal Services ☐ Client Services ☒ Public/Local Gov't ☐ Research/Development ☐ A/E ☐ Other _____			21. Contract Type (check all that apply): ☐ Contract ☒ Grant ☒ Agreement ☐ Intergovernmental (RCW 39.34) ☐ Interagency		
22. Subrecipient Selection Process: ☒ "To all who apply & qualify" ☐ Competitive Bidding ☐ Sole Source ☐ A/E RCW ☐ N/A ☐ Filed w/OFM? ☐ Advertised? ☐ YES ☐ NO			23. Subrecipient Type (check all that apply) ☐ Private Organization/Individual ☐ For-Profit ☒ Public Organization/Jurisdiction ☐ Non-Profit ☐ CONTRACTOR ☒ SUBRECIPIENT ☐ OTHER		
24. PURPOSE & DESCRIPTION: The goal of the Federal Fiscal Year (FFY) 2022 State and Local Cybersecurity Grant Program (22SLCGP) is to assist state, local, and territorial (SLT) governments with managing and reducing systemic cyber risk. security. Strengthening cybersecurity practices and resilience of SLT governments is an important homeland security mission and the primary focus of the SLCGP. Through funding from the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), the SLCGP enables DHS to make targeted cybersecurity investments in SLT government agencies, thus improving the security of critical infrastructure and improving the resilience of the services. The Department is the Recipient and Pass-through Entity of the 22SSLCGP DHS Award Letter for Grant No. EMW-2022-CY-00017 ("Grant"), which is incorporated in and attached hereto as Attachment C and has made a subaward of funds to the Subrecipient pursuant to this Agreement. The Subrecipient is accountable to the Department for use of Federal award funds provided under this Agreement.					
IN WITNESS WHEREOF, the Department and Subrecipient acknowledge and accept the terms of this Agreement, including all referenced attachments which are hereby incorporated, and have executed this Agreement as of the date below. This Agreement Face Sheet; Special Terms & Conditions (Attachment A); General Terms and Conditions (Attachment B); DHS Award Letter (Attachment C); Work Plan (Attachments D); Budget (Attachment E); Timeline (Attachment F); and all other documents and attachments expressly referenced and incorporated herein contain all the terms and conditions agreed upon by the parties and govern the rights and obligations of the parties to this Agreement. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties.					
In the event of an inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: 1. Applicable federal and state statutes and regulations 2. DHS/FEMA Award and program documents 3. Work Plan, Timeline, and Budget 4. Special Terms and Conditions 5. General Terms and Conditions, and, 6. Other provisions of the Agreement incorporated by reference.					
WHEREAS, the parties have executed this Agreement on the day and year last specified below.					
FOR THE DEPARTMENT:			FOR THE SUBRECIPIENT:		
Signature _____ Date _____ Regan Anne Hesse, Chief Financial Officer Washington Military Department			Signature _____ Date _____ Jon Amundson, City Manager, City of Richland		
BOILERPLATE APPROVED TO FORM: Alex Staub 10/25/2023 Assistant Attorney General			Signature _____ Date _____ Brandon Allen, Finance Director, City of Richland APPROVED AS TO FORM (if applicable): Signature _____ Date _____		

SPECIAL TERMS AND CONDITIONS**ARTICLE I. KEY PERSONNEL**

The individuals listed below shall be considered key personnel for point of contact under this Agreement. Any substitution of key personnel by either party shall be made by written notification to the current key personnel.

SUBRECIPIENT		DEPARTMENT	
Name	Deepti Vijayan	Name	Courtney Bemus
Title	Information Technology Manager	Title	Program Coordinator
Email	dvijayan@ci.richland.wa.us	Email	courtney.bemus@mil.wa.gov
Phone	509-942-7499	Phone	253-512-7141
Name	Drew Florence	Name	Sierra Wardell
Title	Assistant City Manager	Title	Financial Operations Section Manager
Email	dflorence@ci.richland.wa.us	Email	sierra.wardell@mil.wa.gov
Phone	509-942-7317	Phone	253-512-7121
Name	Brandon Allen	Name	Grant Miller
Title	Finance Director	Title	Program Assistant
Email	ballen@ci.richland.wa.us	Email	grant.miller@mil.wa.gov
Phone	509-942-7302	Phone	253-512-7145

ARTICLE II. ADMINISTRATIVE AND/OR FINANCIAL REQUIREMENTS

The Subrecipient shall comply with all applicable state and federal laws, rules, regulations, requirements and program guidance identified or referenced in this Agreement and the informational documents published by DHS/FEMA applicable to the 22SLCGP, including, but not limited to, all criteria, restrictions, and requirements of *"The Department of Homeland Security Notice of Funding Opportunity Fiscal Year 2022 State and Local Cybersecurity Grant Program"* (hereafter "the NOFO") document, the DHS Award Letter for the Grant, and the federal regulations commonly applicable to DHS/FEMA grants, all of which are incorporated herein by reference. The *DHS Award Letter* is incorporated in this Agreement as Attachment C.

The Subrecipient acknowledges that since this Agreement involves federal award funding, the period of performance may begin prior to the availability of appropriated federal funds. The Subrecipient agrees that it will not hold the Department, the State of Washington, or the United States liable for any damages, claim for reimbursement, or any type of payment whatsoever for services performed under this Agreement prior to distribution of appropriated federal funds, or if federal funds are not appropriated or in a particular amount.

A. STATE AND FEDERAL REQUIREMENTS FOR DHS/FEMA PREPAREDNESS GRANTS:

The following requirements apply to all DHS/FEMA Preparedness Grants administered by the Department.

1. SUBAWARDS & CONTRACTS BY SUBRECIPIENTS

- a. The Subrecipient must make a case-by-case determination whether each agreement it makes for the disbursement of 22SLCGP funds received under this Agreement casts the party receiving the funds in the role of a subrecipient or contractor in accordance with 2 CFR 200.331.
- b. If the Subrecipient also becomes a pass-through entity by making a subaward to a non-federal entity as its subrecipient, the Subrecipient must make a case-by-case determination whether each agreement it makes for the disbursement of 22SLCGP funds received under this Agreement casts the party receiving the funds in the role of a subrecipient or contractor in accordance with 2 CFR 200.330.
 - i. The Subrecipient must comply with all federal laws and regulations applicable to pass-through entities of 22SLCGP funds, including, but not limited to, those contained in 2 CFR 200.
 - ii. The Subrecipient shall require its subrecipient(s) to comply with all applicable state and federal laws, rules, regulations, requirements and program guidance identified or referenced in this Agreement and the informational documents published by DHS/FEMA applicable to the 22SLCGP Program, including, but not limited to, all criteria, restrictions, and

requirements of the NOFO , the DHS Award Letter for the Grant in Attachment C, and the federal regulations commonly applicable to DHS/FEMA grants.

- iii. The Subrecipient shall be responsible to the Department for ensuring that all 22SLCGP federal award funds provided to its subrecipients are used in accordance with applicable federal and state statutes and regulations, and the terms and conditions of the federal award set forth in Attachment C of this Agreement.

2. BUDGET, REIMBURSEMENT, AND TIMELINE

- a. Within the total Grant Agreement Amount, travel, subcontracts, salaries, benefits, printing, equipment, and other goods and services or other budget categories will be reimbursed on an actual cost basis upon completion unless otherwise provided in this Agreement.
- b. The maximum amount of all reimbursement requests permitted to be submitted under this Agreement, including the final reimbursement request, is limited to and shall not exceed the total Grant Agreement Amount.
- c. If the Subrecipient chooses to include indirect costs within the Budget (Attachment E), additional documentation is required based on the applicable situation. As described in 2 CFR 200.414 and Appendix VII to 2 CFR 200:
 - i. If the Subrecipient receives direct funding from any Federal agency(ies), documentation of the rate must be submitted to the Department Key Personnel per the following:
 - A. More than \$35 million, the approved indirect cost rate agreement negotiated with its federal cognizant agency.
 - B. Less than \$35 million, the indirect cost proposal developed in accordance with Appendix VII of 2 CFR 200 requirements.
 - ii. If the Subrecipient does not receive direct federal funds (i.e., only receives funds as a subrecipient), the Subrecipient must either elect to charge a de minimis rate of ten percent (10%) or 10% of modified total direct costs or choose to negotiate a higher rate with the Department. If the latter is preferred, the Subrecipient must contact Department Key Personnel for approval steps.
- d. For travel costs, the Subrecipient shall comply with 2 CFR 200.475 and should consult their internal policies, state rates set pursuant to RCW 43.03.050 and RCW 43.03.060 as now existing or amended, and federal maximum rates set forth at <https://www.gsa.gov>, and follow the most restrictive. If travel costs exceed set state or federal limits, travel costs shall not be reimbursed without prior written approval by Department Key Personnel.
- e. Reimbursement requests will include a properly completed State A-19 Invoice Form and Reimbursement Spreadsheet (in the format provided by the Department) detailing the expenditures for which reimbursement is sought. Reimbursement requests must be submitted to Reimbursements@mil.wa.gov no later than the due dates listed within the Timeline (Attachment F).

Reimbursement request totals should be commensurate to the time spent processing by the Subrecipient and the Department.
- f. Receipts and/or backup documentation for any approved items that are authorized under this Agreement must be maintained by the Subrecipient consistent with record retention requirements of this Agreement and be made available upon request by the Department, and federal, state, and local auditors.
- g. The Subrecipient must request **prior** written approval from Department Key Personnel to waive or extend a due date in the Timeline (Attachment F). For waived or extended reimbursement due dates, all allowable costs should be submitted on the next scheduled reimbursement due date contained in the Timeline. Waiving or missing deadlines serves as an indicator for assessing an agency's level of risk of noncompliance with the regulations, requirements, and the terms and conditions of the Agreement and may increase required monitoring activities. Any request for a waiver or extension of a due date in the Timeline will be treated as a request for Amendment of

the Agreement. This request must be submitted to the Department Key Personnel sufficiently in advance of the due date to provide adequate time for Department review and consideration and may be granted or denied within the Department's sole discretion.

- h. All work under this Agreement must end on or before the Grant Agreement End Date, and the final reimbursement request must be submitted to the Department within the time period notated in the Timeline (Attachment F), except as otherwise authorized by either (1) written amendment of this Agreement or (2) written notification from the Department to the Subrecipient to provide additional time for completion of the Subrecipient's subproject(s).
- i. No costs for purchases of equipment/supplies will be reimbursed until the related equipment/supplies have been received by the Subrecipient, its contractor, or any non-federal entity to which the Subrecipient makes a subaward and is invoiced by the vendor.
- j. Failure to submit timely, accurate, and complete reports and reimbursement requests as required by this Agreement (including, but not limited to, those reports in the Timeline [Attachment F]) will prohibit the Subrecipient from being reimbursed until such reports are submitted and the Department has had reasonable time to conduct its review.
- k. Final reimbursement requests will not be approved for payment until the Subrecipient is current with all reporting requirements contained in this Agreement.
- l. A written amendment will be required if the Subrecipient expects cumulative transfers among solution area totals, as identified in the Budget (Attachment E), to exceed ten percent (10%) of the Grant Agreement Amount. Any changes to solution area totals not in compliance with this paragraph will not be reimbursed without approval from the Department.
- m. Subrecipients shall only use federal award funds under this Agreement to supplement existing funds and will not use them to replace (supplant) non-federal funds that have been budgeted for the same purpose. The Subrecipient may be required to demonstrate and document that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

3. REPORTING

- a. With each reimbursement request, the Subrecipient shall report how the expenditures, for which reimbursement is sought, relate to the Work Plan (Attachments D) activities in the format provided by the Department.
- b. With the final reimbursement request, the Subrecipient shall submit to the Department Key Personnel a final report (in the format provided by the Department) describing all completed activities under this Agreement.
- c. The Subrecipient shall comply with the Federal Funding Accountability and Transparency Act (FFATA) and related OMB Guidance consistent with Public Law 109-282 as amended by section 6202(a) of Public Law 110-252 (see 31 U.S.C. 6101 note) and complete and return to the *Department an Audit Certification/FFATA* Form. This form is required to be completed once per calendar year, per Subrecipient, and not per agreement. The Department's Contracts Office will request the Subrecipient submit an updated form at the beginning of each calendar year in which the Subrecipient has an active agreement.

4. EQUIPMENT AND SUPPLY MANAGEMENT

- a. The Subrecipient and any non-federal entity to which the Subrecipient makes a subaward shall comply with 2 CFR 200.317 through 200.327 when procuring any equipment or supplies under this Agreement, 2 CFR 200.313 for management of equipment, and 2 CFR 200.314 for management of supplies, to include, but not limited to:
 - i. Upon successful completion of the terms of this Agreement, all equipment and supplies purchased through this Agreement will be owned by the Subrecipient, or a recognized non-federal entity to which the Subrecipient has made a subaward, for which a contract, subrecipient grant agreement, or other means of legal transfer of ownership is in place.
 - ii. All equipment, and supplies as applicable, purchased under this Agreement will be recorded and maintained in the Subrecipient's inventory system.

- iii. Inventory system records shall include:
 - A. Description of the property;
 - B. Manufacturer's serial number, model number, or other identification number;
 - C. Funding source for the property, including the Federal Award Identification Number (FAIN) (Face Sheet, Box 11);
 - D. Assistance Listings Number (Face Sheet, Box 13);
 - E. Who holds the title;
 - F. Acquisition date;
 - G. Cost of the property and the percentage of federal participation in the cost;
 - H. Location, use and condition of the property at the date the information was reported;
 - I. Disposition data including the date of disposal and sale price of the property.
- iv. The Subrecipient shall take a physical inventory of the equipment, and supplies as applicable, and reconcile the results with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the records shall be investigated by the Subrecipient to determine the cause of the difference. The Subrecipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.
- v. The Subrecipient shall be responsible for any and all operational and maintenance expenses and for the safe operation of the equipment and supplies including all questions of liability. The Subrecipient shall develop appropriate maintenance schedules and procedures to ensure the equipment, and supplies as applicable, are well-maintained and kept in good operating condition.
- vi. The Subrecipient shall develop a control system to ensure adequate safeguards to prevent loss, damage, and theft of the property. Any loss, damage, or theft shall be investigated, and a report generated and sent to the Department's Key Personnel.
- vii. The Subrecipient must obtain and maintain all necessary certifications and licenses for the equipment.
- viii. If the Subrecipient is authorized or required to sell the property, proper sales procedures must be established and followed to ensure the highest possible return. For disposition, if upon termination or at the Grant Agreement End Date, when original or replacement supplies or equipment acquired under a federal award are no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Subrecipient must comply with the following procedures:
 - A. For Supplies: If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the Subrecipient must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment.
 - B. For Equipment:
 - 1) Items with a current per-unit fair-market value of five thousand dollars (\$5,000) or less may be retained, sold, transferred, or otherwise disposed of with no further obligation to the federal awarding agency.
 - 2) Items with a current per-unit fair-market value in excess of five thousand dollars (\$5,000) may be retained or sold. The Subrecipient shall compensate the federal awarding agency in accordance with the requirements of 2 CFR 200.313 (e) (2).

- ix. Records for equipment shall be retained by the Subrecipient for a period of six (6) years from the date of the disposition, replacement, or transfer. If any litigation, claim, or audit is started before the expiration of the six- (6-) year period, the records shall be retained by the Subrecipient until all litigation, claims, or audit findings involving the records have been resolved.
- b. The Subrecipient shall comply with the Department's Purchase Review Process, which is incorporated by reference and made part of this Agreement. No reimbursement will be provided unless the appropriate approval has been received.
- c. Unless expressly provided otherwise, all equipment must meet all mandatory regulatory and/or DHS/FEMA adopted standards to be eligible for purchase using federal award funds.
- d. If funding is allocated to support emergency communications activities, the Subrecipient must ensure that all projects comply with SAFECOM Guidance on Emergency Communications Grants, located at <https://www.cisa.gov/safecom/funding>, including provisions on technical standards that ensure and enhance interoperable communications.
- e. Effective August 13, 2020, FEMA recipients and subrecipients, as well as their contractors and subcontractors, may not obligate or expend any FEMA award funds to:
 - i. Procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system;
 - ii. Enter into, extend, or renew a contract to procure or obtain any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology of any system; or
 - iii. Enter into, extend, or renew contracts with entities that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

This prohibition regarding certain telecommunications and video surveillance services or equipment is mandated by section 889 of the *John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA)*, Pub. L. No. 115-232 (2018) and 2 CFR 200.216, 200.327, 200.471, and Appendix II to 2CFR200. Recipients and subrecipients may use DHS/FEMA grant funding to procure replacement equipment and services impacted by this prohibition, provided the costs are otherwise consistent with the requirements of the NOFO.

Per subsections 889(f)(2)-(3) of the FY 2019 NDAA, and 2 CFR 200.216, covered telecommunications equipment or services means:

- i. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, (or any subsidiary or affiliate of such entities);
 - ii. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
 - iii. Telecommunications or video surveillance services provided by such entities or using such equipment; or
 - iv. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.
- f. The Subrecipient must pass through equipment and supply management requirements that meet or exceed the requirements outlined above to any non-federal entity to which the Subrecipient makes a subaward of federal award funds under this Agreement.

5. ENVIRONMENTAL AND HISTORICAL PRESERVATION

- a. The Subrecipient shall ensure full compliance with the DHS/FEMA Environmental Planning and Historic Preservation (EHP) Program. EHP program information can be found at <https://www.fema.gov/grants/guidance-tools/environmental-historic> all of which are incorporated in and made a part of this Agreement.
- b. Projects that have historical impacts or the potential to impact the environment, **including, but not limited to**, construction of communication towers; modification or renovation of existing buildings, structures, and facilities; or new construction, including replacement of facilities, must participate in the DHS/FEMA EHP review process prior to project initiation. Modification of existing buildings, including minimally invasive improvements such as attaching monitors to interior walls, and training or exercises occurring outside in areas not considered previously disturbed also require a DHS/FEMA EHP review before project initiation.
- c. The EHP review process involves the submission of a detailed project description that includes the entire scope of work, including any alternatives that may be under consideration, along with supporting documentation so FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties.
- d. The Subrecipient agrees that, to receive any federal preparedness funding, all EHP compliance requirements outlined in applicable guidance must be met. The EHP review process **must be completed and FEMA approval must be received by the Subrecipient before any work is started** for which reimbursement will be later requested. Expenditures for projects started before completion of the EHP review process and receipt of approval by the Subrecipient may not be reimbursed.

6. PROCUREMENT

The Subrecipient shall comply with all procurement requirements of 2 CFR 200.317 through 200.327 and as specified in the General Terms and Conditions (Attachment B, A.10).

- a. For all contracts expected to exceed the simplified acquisition threshold, per 2CFR200.1, the Subrecipient must notify the Department. The Department may request pre-procurement documents, such as request for proposals, invitations for bids and independent cost estimates. This requirement must be passed on to any non-federal entity to which the Subrecipient makes a subaward, at which point the Subrecipient will be responsible for reviewing and approving sole source justifications to any non-federal entity to which Subrecipient makes any award.
- b. For all sole source contracts expected to exceed the micro-purchase threshold per 2 CFR 200.1, the Subrecipient must submit justification to the Department for review and approval. This requirement must be passed on to any non-federal entity to which the Subrecipient makes a subaward, at which point the Subrecipient will be responsible for reviewing and approving sole source justifications to any non-federal entity to which Subrecipient makes any award..

7. SUBRECIPIENT MONITORING

- a. The Department will monitor the activities of the Subrecipient from award to closeout. The goal of the Department's monitoring activities will be to ensure that subrecipients receiving federal pass-through funds are in compliance with this Agreement, federal and state audit requirements, federal grant guidance, and applicable federal and state financial regulations, as well as 2 CFR Part 200 Subpart F.
- b. To document compliance with 2 CFR Part 200 Subpart F requirements, the Subrecipient shall complete and return to the Department an Audit Certification/FFATA form. Reporting requirements are referenced in section 3.c.
- c. Monitoring activities may include, but are not limited to:
 - i. Review of financial and performance reports;
 - ii. Monitoring and documenting the completion of Agreement deliverables;
 - iii. Documentation of phone calls, meetings (e.g., agendas, sign-in sheets, meeting minutes), e-mails, and correspondence;

- iv. Review of reimbursement requests and supporting documentation to ensure allowability and consistency with Agreement Work Plan (Attachments D-1, D-2, D-3), Budget (Attachment E), and federal requirements;
 - v. Observation and documentation of Agreement-related activities, such as exercises, training, events, and equipment demonstrations; and
 - vi. On-site visits to review equipment records and inventories, to verify source documentation for reimbursement requests and performance reports, and to verify completion of deliverables.
- d. The Subrecipient is required to meet or exceed the monitoring activities, as outlined above, for any non-federal entity to which the Subrecipient makes a subaward as a pass-through entity under this Agreement.
 - e. Compliance will be monitored throughout the performance period to assess risk. Concerns will be addressed through a corrective action plan.

8. LIMITED ENGLISH PROFICIENCY (CIVIL RIGHTS ACT OF 1964 TITLE VI)

The Subrecipient must comply with the Title VI of the Civil Rights Act of 1964 (Title VI) prohibition against discrimination on the basis of national origin, which requires that subrecipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services, selecting language services, and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance at <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <https://www.lep.gov>.

B. SLCGP SPECIFIC REQUIREMENTS

1. The Subrecipient must use SLCGP funds only to perform tasks as described in the Work Plan (Attachments D) and the Subrecipient's approved application for funding incorporated into this Agreement.
2. Subrecipients are required to complete the Nationwide Cybersecurity Review (NCSR) <https://www.cisecurity.org/ms-isac/services/ncsr>, a free, anonymous, annual self-assessment designed to measure gaps and capabilities of a SLT's cybersecurity programs by December 1, 2023, to benchmark and measure progress of improvement in their cybersecurity posture. Completion should continue annually per the Timeline (Attachment F). For more information, visit [Nationwide Cybersecurity Review \(NCSR\) \(cisecurity.org\)](#).
3. Subrecipients are required to participate in free cyber hygiene services, specifically vulnerability scanning and web application scanning. To register for these services, email vulnerability@cisa.dhs.gov with the subject line "Requesting Cyber Hygiene Services – SLCGP" to get started. Indicate in the body of your email that you are requesting this service as part of the SLCGP. For more information, visit CISA's [Cyber Hygiene Information Page](#).
4. Subrecipients may retain a maximum of up to five percent of the Grant agreement Amount for management and administration (M&A) activities, directly relating to the management and administration of SLCGP funds, such as financial management and monitoring.

C. DHS TERMS AND CONDITIONS

As a subrecipient of 22SLCGP funding, the Subrecipient shall comply with all applicable DHS terms and conditions of the 22SLCGP Award Letter and its incorporated documents, which are incorporated in and made a part of this Agreement as Attachment C.

Draft

**Washington Military Department
GENERAL TERMS AND CONDITIONS
Department of Homeland Security (DHS)/
Federal Emergency Management Agency (FEMA)
Grants**

A.1 DEFINITIONS

As used throughout this Agreement, the terms will have the same meaning as defined in 2 CFR 200 Subpart A (which is incorporated herein by reference), except as otherwise set forth below:

- a. **“Agreement”** means this Grant Agreement.
- b. **“Department”** means the Washington Military Department, as a state agency, any division, section, office, unit or other entity of the Department, or any of the officers or other officials lawfully representing that Department. The Department is a recipient of a federal award directly from a federal awarding agency and is the pass-through entity making a subaward to a Subrecipient under this Agreement.
- c. **“Investment”** means the grant application submitted by the Subrecipient describing the project(s) for which federal funding is sought and provided under this Agreement. Such grant application is hereby incorporated into this Agreement by reference.
- d. **“Monitoring Activities”** means all administrative, financial, or other review activities that are conducted to ensure compliance with all state and federal laws, rules, regulations, authorities and policies.
- e. **“Subrecipient”** when capitalized is primarily used throughout this Agreement in reference to the non-federal entity identified on the Face Sheet of this Agreement that has received a subaward from the Department. However, the definition of “Subrecipient” is the same as in 2 CFR 200.1 for all other purposes.

A.2 ADVANCE PAYMENTS PROHIBITED

The Department shall make no payments in advance or in anticipation of goods or services to be provided under this Agreement. Subrecipient shall not invoice the Department in advance of delivery and invoicing of such goods or services.

A.3 AMENDMENTS AND MODIFICATIONS

The Subrecipient or the Department may request, in writing, an amendment or modification of this Agreement. However, such amendment or modification shall not be binding, take effect or be incorporated herein until made in writing and signed by the authorized representatives of the Department and the Subrecipient. No other understandings or agreements, written or oral, shall be binding on the parties.

The Agreement performance period shall only be extended by (1) written notification of DHS/FEMA approval of the Award performance period, followed up with a mutually agreed written amendment, or (2) written notification from the Department to the Subrecipient to provide additional time for completion of the Subrecipient’s project(s).

A.4 AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336, 42 U.S.C. 12101 ET SEQ. AND ITS IMPLEMENTING REGULATIONS ALSO REFERRED TO AS THE “ADA” 28 CFR Part 35.

The Subrecipient must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunication.

A.5 ASSURANCES

The Department and Subrecipient agree that all activity pursuant to this Agreement will be in accordance with all the applicable current federal, state and local laws, rules, and regulations.

A.6 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, OR INELIGIBILITY

As federal funds are a basis for this Agreement, the Subrecipient certifies that the Subrecipient is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Agreement by any federal department or agency.

The Subrecipient shall complete, sign, and return a *Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion* form located at <http://mil.wa.gov/emergency-management-division/grants/requiredgrantforms>. Any such form completed by the Subrecipient for this Agreement shall be incorporated into this Agreement by reference.

Further, the Subrecipient agrees to comply with all applicable federal regulations concerning the federal debarment and suspension system, including 2 CFR Part 180. The Subrecipient certifies that it will ensure that potential contractors or subrecipients or any of their principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in “covered transactions” by any federal department or agency. “Covered transactions” include procurement contracts for goods or services awarded under a non-procurement transaction (e.g., grant or cooperative agreement) that are expected to equal or exceed \$25,000, and subawards to subrecipients for any amount. With respect to covered transactions, the Subrecipient may comply with this provision by obtaining a certification statement from the potential contractor or subrecipient or by checking the System for Award Management (<https://sam.gov/SAM/>) maintained by the federal government. The Subrecipient also agrees not to enter into any arrangements or contracts with any party on the Washington State Department of Labor and Industries’ “Debarred Contractor List” (<https://secure.lni.wa.gov/debarandstrike/ContractorDebarList.aspx>). The Subrecipient also agrees not to enter into any agreements or contracts for the purchase of goods and services with any party on the Department of Enterprise Services’ “Debarred Vendor List” (<http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/Vendor-Debarment.aspx>).

A.7 CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING

As required by 44 CFR Part 18, the Subrecipient hereby certifies that to the best of its knowledge and belief: (1) no federally appropriated funds have been paid or will be paid by or on behalf of the Subrecipient to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement; (2) that if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, grant, loan, or cooperative agreement, the Subrecipient will complete and submit Standard Form-LLL, “*Disclosure Form to Report Lobbying*,” in accordance with its instructions; (3) and that, as applicable, the Subrecipient will require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352.

A.8 COMPLIANCE WITH APPLICABLE STATUTES, RULES AND DEPARTMENT POLICIES

The Subrecipient and all its contractors and subrecipients shall comply with, and the Department is not responsible for determining compliance with, any and all applicable federal, state, and local laws, regulations, executive orders, OMB Circulars, and/or policies. This obligation includes, but is not limited to: nondiscrimination laws and/or policies, Energy Policy and Conservation Act (PL 94-163, as amended), the Americans with Disabilities Act (ADA), Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Civil Rights Act of 1968, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (PL 93-288, as amended), Ethics in Public Service (RCW 42.52), Covenant Against Contingent Fees (48 CFR Section 52.203-5), Public Records Act (RCW 42.56), Prevailing Wages on Public Works (RCW 39.12), State Environmental Policy Act (RCW 43.21C), Shoreline Management Act of 1971 (RCW 90.58), State Building Code (RCW 19.27), Energy Related Building Standards (RCW 19.27A), Provisions in Buildings for Aged and Handicapped Persons (RCW 70.92), and safety and health regulations.

In the event of noncompliance or refusal to comply with any applicable law, regulation, executive order, OMB Circular or policy by the Subrecipient, its contractors or subrecipients, the Department may rescind, cancel, or terminate the Agreement in whole or in part in its sole discretion. The Subrecipient is

responsible for all costs or liability arising from its failure, and that of its contractors and subrecipients, to comply with applicable laws, regulations, executive orders, OMB Circulars or policies.

A.9 CONFLICT OF INTEREST

No officer or employee of the Department; no member, officer, or employee of the Subrecipient or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of the Subrecipient who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Agreement.

The Subrecipient shall incorporate, or cause to incorporate, in all such contracts or subawards, a provision prohibiting such interest pursuant to this provision.

A.10 CONTRACTING & PROCUREMENT

a. The Subrecipient shall use a competitive procurement process in the procurement and award of any contracts with contractors or subcontractors that are entered into under the original agreement award. The procurement process followed shall be in accordance with 2 CFR Part 200.318, General procurement standards, through 200.327, Contract provisions.

As required by Appendix II to 2 CFR Part 200, all contracts entered into by the Subrecipient under this Agreement must include the following provisions, as applicable:

- 1) Contracts for more than the simplified acquisition threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- 2) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-federal entity including the manner by which it will be affected and the basis for settlement.
- 3) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "*Equal Employment Opportunity*" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "*Amending Executive Order 11246 Relating to Equal Employment Opportunity*," and implementing regulations at 41 CFR part 60, "*Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor*."
- 4) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "*Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction*"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-federal entity must report all suspected or reported violations to the federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "*Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States*"). The Act provides that each contractor or Subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or

she is otherwise entitled. The non-federal entity must report all suspected or reported violations to the federal awarding agency.

- 5) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- 6) Rights to Inventions Made Under a Contract or Agreement. If the federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or Subrecipient must comply with the requirements of 37 CFR Part 401, "*Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements*," and any implementing regulations issued by the awarding agency.
- 7) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 8) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "*Debarment and Suspension*." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 9) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award.
- 10) Procurement of recovered materials – As required by 2 CFR 200.323, a non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy

and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

- 11) Notice of federal awarding agency requirements and regulations pertaining to reporting.
 - 12) Federal awarding agency requirements and regulations pertaining to copyrights and rights in data.
 - 13) Access by the Department, the Subrecipient, the federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
 - 14) Retention of all required records for six years after the Subrecipient has made final payments and all other pending matters are closed.
 - 15) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94–163, 89 Stat. 871).
 - 16) Pursuant to Executive Order 13858 “*Strengthening Buy-American Preferences for Infrastructure Projects*,” and as appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, as required in 2 CFR Part 200.322, in every contract, subcontract, purchase order, or sub-award that is chargeable against federal financial assistance awards.
 - 17) Per 2 C.F.R. § 200.216, prohibitions regarding certain telecommunications and video surveillance services or equipment are mandated by *section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA), Pub. L. No. 115-232 (2018)*.
- b. The Department reserves the right to review the Subrecipient’s procurement plans and documents and require the Subrecipient to make changes to bring its plans and documents into compliance with the requirements of 2 CFR Part 200.317 through 200.327. The Subrecipient must ensure that its procurement process requires contractors and subcontractors to provide adequate documentation with sufficient detail to support the costs of the project and to allow both the Subrecipient and Department to make a determination on eligibility of project costs.
- c. All contracting agreements entered into pursuant to this Agreement shall incorporate this Agreement by reference.

A.11 DISCLOSURE

The use or disclosure by any party of any information concerning the Department for any purpose not directly connected with the administration of the Department’s or the Subrecipient’s responsibilities with respect to services provided under this Agreement is prohibited except by prior written consent of the Department or as required to comply with the state Public Records Act, other law or court order.

A.12 DISPUTES

Except as otherwise provided in this Agreement, when a bona fide dispute arises between the parties and it cannot be resolved through discussion and negotiation, either party may request a dispute resolution board to resolve the dispute. A request for a dispute resolution board shall be in writing, state the disputed issues, state the relative positions of the parties, and be sent to all parties. The board shall consist of a representative appointed by the Department, a representative appointed by the Subrecipient, and a third party mutually agreed upon by both parties. The determination of the dispute resolution board shall be final and binding on the parties hereto. Each party shall bear the cost for its member of the dispute resolution board and its attorney fees and costs and share equally the cost of the third board member.

A.13 LEGAL RELATIONS

It is understood and agreed that this Agreement is solely for the benefit of the parties to the Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of this Agreement.

To the extent allowed by law, the Subrecipient, its successors or assigns, will protect, save and hold harmless the Department, the state of Washington, and the United States Government and their authorized agents and employees, from all claims, actions, costs, damages or expenses of any nature whatsoever by reason of the acts or omissions of the Subrecipient, its subcontractors, subrecipients, assigns, agents, contractors, consultants, licensees, invitees, employees or any person whomsoever arising out of or in connection with any acts or activities authorized by this Agreement.

To the extent allowed by law, the Subrecipient further agrees to defend the Department and the state of Washington and their authorized agents and employees in any litigation; including payment of any costs or attorneys' fees for any claims or action commenced thereon arising out of or in connection with acts or activities authorized by this Agreement.

This obligation shall not include such claims, costs, damages or expenses which may be caused by the sole negligence of the Department; provided, that if the claims or damages are caused by or result from the concurrent negligence of (1) the Department, and (2) the Subrecipient, its agents, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Subrecipient, or the Subrecipient's agents or employees.

Insofar as the funding source, FEMA, is an agency of the Federal government, the following shall apply:

44 CFR 206.9 Non-liability. The Federal government shall not be liable for any claim based upon the exercise or performance of, or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Federal government in carrying out the provisions of the Stafford Act.

A.14 LIMITATION OF AUTHORITY – AUTHORIZED SIGNATURE

The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement. Only the Department's Authorized Signature representative and the Authorized Signature representative of the Subrecipient or Alternate for the Subrecipient, formally designated in writing, shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Agreement. Any alteration, amendment, modification, or waiver of any clause or condition of this Agreement is not effective or binding unless made in writing and signed by both parties' Authorized Signature representatives, except as provided for time extensions in Article A.3.

Further, only the Authorized Signature representative or Alternate for the Subrecipient shall have signature authority to sign reimbursement requests, time extension requests, amendment and modification requests, requests for changes to projects or work plans, and other requests, certifications and documents authorized by or required under this Agreement.

A.15 LOSS OR REDUCTION OF FUNDING

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement and prior to normal completion or end date, the Department may unilaterally reduce the work plan and budget or unilaterally terminate all or part of the Agreement as a "Termination for Cause" without providing the Subrecipient an opportunity to cure. Alternatively, the parties may renegotiate the terms of this Agreement under "Amendments and Modifications" to comply with new funding limitations and conditions, although the Department has no obligation to do so.

A.16 NONASSIGNABILITY

Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by the Subrecipient.

A.17 NONDISCRIMINATION

During the performance of this agreement, the Subrecipient shall comply with all federal and state nondiscrimination statutes and regulations. These requirements include, but are not limited to:

- a. Nondiscrimination in Employment: The Subrecipient shall not discriminate against any employee or applicant for employment because of race, color, sex, sexual orientation, religion, national origin, creed, marital status, age, Vietnam era or disabled veteran status, or the presence of any sensory, mental, or physical handicap. This requirement does not apply, however, to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities.

- b. The Subrecipient shall take action to ensure that employees are employed and treated during employment without discrimination because of their race, color, sex, sexual orientation religion, national origin, creed, marital status, age, Vietnam era or disabled veteran status, or the presence of any sensory, mental, or physical handicap. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment selection for training, including apprenticeships and volunteers.

A.18 NOTICES

The Subrecipient shall comply with all public notices or notices to individuals required by applicable local, state and federal laws and regulations and shall maintain a record of this compliance.

A.19 OCCUPATIONAL SAFETY/HEALTH ACT and WASHINGTON INDUSTRIAL SAFETY/HEALTH ACT (OSHA/WISHA)

The Subrecipient represents and warrants that its workplace does now or will meet all applicable federal and state safety and health regulations that are in effect during the Subrecipient's performance under this Agreement. To the extent allowed by law, the Subrecipient further agrees to indemnify and hold harmless the Department and its employees and agents from all liability, damages and costs of any nature, including, but not limited to, costs of suits and attorneys' fees assessed against the Department, as a result of the failure of the Subrecipient to so comply.

A.20 OWNERSHIP OF PROJECT/CAPITAL FACILITIES

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Agreement, and by this subaward of funds does not and will not acquire any ownership interest or title to such property of the Subrecipient. The Subrecipient shall assume all liabilities and responsibilities arising from the ownership and operation of the project and agrees to defend, indemnify, and hold the Department, the state of Washington, and the United States government harmless from any and all causes of action arising from the ownership and operation of the project.

A.21 POLITICAL ACTIVITY

No portion of the funds provided herein shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

A.22 PROHIBITION AGAINST PAYMENT OF BONUS OR COMMISSION

The assistance provided under this Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such assistance or any other approval or concurrence under this Agreement provided, however, that reasonable fees or bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

A.23 PUBLICITY

The Subrecipient agrees to submit to the Department prior to issuance all advertising and publicity matters relating to this Agreement wherein the Department's name is mentioned, or language used from which the connection of the Department's name may, in the Department's judgment, be inferred or implied. The Subrecipient agrees not to publish or use such advertising and publicity matters without the prior written consent of the Department. The Subrecipient may copyright original work it develops in the course of or under this Agreement; however, pursuant to 2 CFR Part 200.315, FEMA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use the work for government purposes.

Publication resulting from work performed under this Agreement shall include an acknowledgement of FEMA's financial support, by the Assistance Listings Number (formerly CFDA Number), and a statement that the publication does not constitute an endorsement by FEMA or reflect FEMA's views.

A.24 RECAPTURE PROVISION

In the event the Subrecipient fails to expend funds under this Agreement in accordance with applicable federal, state, and local laws, regulations, and/or the provisions of the Agreement, the Department reserves the right to recapture funds in an amount equivalent to the extent of noncompliance. Such right of recapture shall exist for the life of the project following Agreement termination. Repayment by the Subrecipient of funds under this recapture provision shall occur within 30 days of demand. In the event the Department is required to institute legal proceedings to enforce the recapture provision, the

Department shall be entitled to its costs and expenses thereof, including attorney fees from the Subrecipient.

A.25 RECORDS

- a. The Subrecipient agrees to maintain all books, records, documents, receipts, invoices and all other electronic or written records necessary to sufficiently and properly reflect the Subrecipient's contracts, subawards, grant administration, and payments, including all direct and indirect charges, and expenditures in the performance of this Agreement (the "records").
- b. The Subrecipient's records related to this Agreement and the projects funded may be inspected and audited by the Department or its designee, by the Office of the State Auditor, DHS, FEMA or their designees, by the Comptroller General of the United States or its designees, or by other state or federal officials authorized by law, for the purposes of determining compliance by the Subrecipient with the terms of this Agreement and to determine the appropriate level of funding to be paid under the Agreement.
- c. The records shall be made available by the Subrecipient for such inspection and audit, together with suitable space for such purpose, at any and all times during the Subrecipient's normal working day.
- d. The Subrecipient shall retain and allow access to all records related to this Agreement and the funded project(s) for a period of at least six (6) years following final payment and closure of the grant under this Agreement. Despite the minimum federal retention requirement of three (3) years, the more stringent State requirement of six (6) years must be followed.

A.26 RESPONSIBILITY FOR PROJECT/STATEMENT OF WORK/WORK PLAN

While the Department undertakes to assist the Subrecipient with the project/statement of work/work plan (project) by providing federal award funds pursuant to this Agreement, the project itself remains the sole responsibility of the Subrecipient. The Department undertakes no responsibility to the Subrecipient, or to any third party, other than as is expressly set out in this Agreement.

The responsibility for the design, development, construction, implementation, operation and maintenance of the project, as these phrases are applicable to this project, is solely that of the Subrecipient, as is responsibility for any claim or suit of any nature by any third party related in any way to the project.

Prior to the start of any construction activity, the Subrecipient shall ensure that all applicable federal, state, and local permits and clearances are obtained, including, but not limited to, FEMA compliance with the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, and all other environmental laws, regulations, and executive orders.

The Subrecipient shall defend, at its own cost, any and all claims or suits at law or in equity, which may be brought against the Subrecipient in connection with the project. The Subrecipient shall not look to the Department, or to any state or federal agency, or to any of their employees or agents, for any performance, assistance, or any payment or indemnity, including, but not limited to, cost of defense and/or attorneys' fees, in connection with any claim or lawsuit brought by any third party related to any design, development, construction, implementation, operation and/or maintenance of a project.

A.27 SEVERABILITY

If any court of rightful jurisdiction holds any provision or condition under this Agreement or its application to any person or circumstances invalid, this invalidity does not affect other provisions, terms or conditions of the Agreement, which can be given effect without the invalid provision. To this end, the terms and conditions of this Agreement are declared severable.

A.28 SINGLE AUDIT ACT REQUIREMENTS (including all AMENDMENTS)

The Subrecipient shall comply with and include the following audit requirements in any subawards.

Non-federal entities, as Subrecipients of a federal award, that expend **\$750,000** or more in one fiscal year of federal funds from all sources, direct and indirect, are required to have a single or a program-specific audit conducted in accordance with 2 CFR Part 200 Subpart F. Non-federal entities that spend less than **\$750,000** a year in federal awards are exempt from federal audit requirements for that year, except as noted in 2 CFR Part 200 Subpart F. As defined in 2 CFR Part 200, the term "non-federal entity" means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a federal award as a recipient or subrecipient.

Subrecipients that are required to have an audit must ensure the audit is performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) as found in the Government Auditing Standards (the Revised Yellow Book) developed by the United States Comptroller General and the OMB Compliance Supplement. The Subrecipient has the responsibility of notifying its auditor and requesting an audit in compliance with 2 CFR Part 200 Subpart F, to include the Washington State Auditor's Office, a federal auditor, or a public accountant performing work using GAGAS, as appropriate. Costs of the audit may be an allowable grant expenditure as authorized by 2 CFR Part 200.425.

The Subrecipient shall maintain auditable records and accounts so as to facilitate the audit requirement and shall ensure that any subcontractors also maintain auditable records. The Subrecipient is responsible for any audit exceptions incurred by its own organization or that of its subcontractors. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report. The Subrecipient must respond to Department requests for information or corrective action concerning audit issues or findings within 30 days of the date of request. The Department reserves the right to recover from the Subrecipient all disallowed costs resulting from the audit.

After the single audit has been completed, and if it includes any audit findings, the Subrecipient must send a full copy of the audit and its Corrective Action Plan to the Department at the following address no later than nine (9) months after the end of the Subrecipient's fiscal year(s):

**Contracts Office
Washington Military Department
Finance Division, Building #1 TA-20
Camp Murray, WA 98430-5032**

OR

Contracts.Office@mil.wa.gov

The Department retains the sole discretion to determine whether a valid claim for an exemption from the audit requirements of this provision has been established.

Conducting a single or program-specific audit in compliance with 2 CFR Part 200 Subpart F is a material requirement of this Agreement. In the absence of a valid claim of exemption from the audit requirements of 2 CFR Part 200 Subpart F, the Subrecipient's failure to comply with said audit requirements may result in one or more of the following actions in the Department's sole discretion: a percentage of federal awards being withheld until the audit is completed in accordance with 2 CFR Part 200 Subpart F; the withholding or disallowing of overhead costs; the suspension of federal awards until the audit is conducted and submitted; or termination of the federal award.

A.29 SUBRECIPIENT NOT EMPLOYEE

The Subrecipient, and/or employees or agents performing under this Agreement, are not employees or agents of the Department in any manner whatsoever. The Subrecipient will not be presented as nor claim to be an officer or employee of the Department or of the State of Washington by reason hereof, nor will the Subrecipient make any claim, demand, or application to or for any right, privilege or benefit applicable to an officer or employee of the Department or of the State of Washington, including, but not limited to, Workers' Compensation coverage, unemployment insurance benefits, social security benefits, retirement membership or credit, or privilege or benefit which would accrue to a civil service employee under Chapter 41.06 RCW; OFM Reg. 4.3.1.1.8.

It is understood that if the Subrecipient is another state department, state agency, state university, state college, state community college, state board, or state commission, that the officers and employees are employed by the State of Washington in their own right.

If the Subrecipient is an individual currently employed by a Washington State agency, the Department shall obtain proper approval from the employing agency or institution before entering into this contract. A statement of "no conflict of interest" shall be submitted to the Department.

A.30 TAXES, FEES AND LICENSES

Unless otherwise provided in this Agreement, the Subrecipient shall be responsible for, pay and maintain in current status all taxes, unemployment contributions, fees, licenses, assessments, permit charges and expenses of any other kind for the Subrecipient or its staff required by statute or regulation that are applicable to Agreement performance.

A.31 TERMINATION FOR CONVENIENCE

Notwithstanding any provisions of this Agreement, the Subrecipient may terminate this Agreement by providing written notice of such termination to the Department Key Personnel identified in the Agreement, specifying the effective date thereof, at least thirty (30) days prior to such date.

Except as otherwise provided in this Agreement, the Department, in its sole discretion and in the best interests of the state of Washington, may terminate this Agreement in whole or in part ten (10) business days after emailing notice to the Subrecipient. Upon notice of termination for convenience, the Department reserves the right to suspend all or part of the Agreement, withhold further payments, or prohibit the Subrecipient from incurring additional obligations of funds. In the event of termination, the Subrecipient shall be liable for all damages as authorized by law. The rights and remedies of the Department provided for in this section shall not be exclusive and are in addition to any other rights and remedies provided by law.

A.32 TERMINATION OR SUSPENSION FOR LOSS OF FUNDING

The Department may unilaterally terminate or suspend all or part of this Grant Agreement, or may reduce its scope of work and budget, if there is a reduction in funds by the source of those funds, and if such funds are the basis for this Grant Agreement. The Department will email the Subrecipient ten (10) business days prior to termination.

A.33 TERMINATION OR SUSPENSION FOR CAUSE

In the event the Department, in its sole discretion, determines the Subrecipient has failed to fulfill in a timely and proper manner its obligations under this Agreement, is in an unsound financial condition so as to endanger performance hereunder, is in violation of any laws or regulations that render the Subrecipient unable to perform any aspect of the Agreement, or has violated any of the covenants, agreements or stipulations of this Agreement, the Department has the right to immediately suspend or terminate this Agreement in whole or in part.

The Department may notify the Subrecipient in writing of the need to take corrective action and provide a period of time in which to cure. The Department is not required to allow the Subrecipient an opportunity to cure if it is not feasible as determined solely within the Department's discretion. Any time allowed for cure shall not diminish or eliminate the Subrecipient's liability for damages or otherwise affect any other remedies available to the Department. If the Department allows the Subrecipient an opportunity to cure, the Department shall notify the Subrecipient in writing of the need to take corrective action. If the corrective action is not taken within ten (10) calendar days or as otherwise specified by the Department, or if such corrective action is deemed by the Department to be insufficient, the Agreement may be terminated in whole or in part.

The Department reserves the right to suspend all or part of the Agreement, withhold further payments, or prohibit the Subrecipient from incurring additional obligations of funds during investigation of the alleged compliance breach, pending corrective action by the Subrecipient, if allowed, or pending a decision by the Department to terminate the Agreement in whole or in part.

In the event of termination, the Subrecipient shall be liable for all damages as authorized by law, including, but not limited to, any cost difference between the original Agreement and the replacement or cover Agreement and all administrative costs directly related to the replacement Agreement, e.g., cost of administering the competitive solicitation process, mailing, advertising and other associated staff time. The rights and remedies of the Department provided for in this section shall not be exclusive and are in addition to any other rights and remedies provided by law.

If it is determined that the Subrecipient: (1) was not in default or material breach, or (2) failure to perform was outside of the Subrecipient's control, fault or negligence, the termination shall be deemed to be a termination for convenience.

A.34 TERMINATION PROCEDURES

In addition to the procedures set forth below, if the Department terminates this Agreement, the Subrecipient shall follow any procedures specified in the termination notice. Upon termination of this Agreement and in addition to any other rights provided in this Agreement, the Department may require the Subrecipient to deliver to the Department any property specifically produced or acquired for the performance of such part of this Agreement as has been terminated.

If the termination is for convenience, the Department shall pay to the Subrecipient as an agreed upon price, if separately stated, for properly authorized and completed work and services rendered or goods

delivered to and accepted by the Department prior to the effective date of Agreement termination, the amount agreed upon by the Subrecipient and the Department for (i) completed work and services and/or equipment or supplies provided for which no separate price is stated, (ii) partially completed work and services and/or equipment or supplies provided which are accepted by the Department, (iii) other work, services and/or equipment or supplies which are accepted by the Department, and (iv) the protection and preservation of property.

Failure to agree with such amounts shall be a dispute within the meaning of the "Disputes" clause of this Agreement. If the termination is for cause, the Department shall determine the extent of the liability of the Department. The Department shall have no other obligation to the Subrecipient for termination. The Department may withhold from any amounts due the Subrecipient such sum as the Department determines to be necessary to protect the Department against potential loss or liability.

The rights and remedies of the Department provided in this Agreement shall not be exclusive and are in addition to any other rights and remedies provided by law.

After receipt of a notice of termination, and except as otherwise directed by the Department in writing, the Subrecipient shall:

- a. Stop work under the Agreement on the date, and to the extent specified, in the notice;
- b. Place no further orders or contracts for materials, services, supplies, equipment and/or facilities in relation to this Agreement except as may be necessary for completion of such portion of the work under the Agreement as is not terminated;
- c. Assign to the Department, in the manner, at the times, and to the extent directed by the Department, all of the rights, title, and interest of the Subrecipient under the orders and contracts so terminated, in which case the Department has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and contracts;
- d. Settle all outstanding liabilities and all claims arising out of such termination of orders and contracts, with the approval or ratification of the Department to the extent the Department may require, which approval or ratification shall be final for all the purposes of this clause;
- e. Transfer title to the Department and deliver in the manner, at the times, and to the extent directed by the Department any property which, if the Agreement had been completed, would have been required to be furnished to the Department;
- f. Complete performance of such part of the work as shall not have been terminated by the Department in compliance with all contractual requirements; and
- g. Take such action as may be necessary, or as the Department may require, for the protection and preservation of the property related to this Agreement which is in the possession of the Subrecipient and in which the Department has or may acquire an interest.

A.35 MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES

In accordance with the legislative findings and policies set forth in Chapter 39.19 RCW, the State of Washington encourages participation in all its contracts by MWBE firms certified by the Office of Minority and Women's Business Enterprises (OMWBE). To the extent possible, the Subrecipient will solicit and encourage minority-owned and women-owned business enterprises who are certified by the OMWBE under the state of Washington certification program to apply and compete for work under this contract. Voluntary numerical MWBE participation goals have been established and are indicated herein: Minority Business Enterprises: (MBE's): 10% and Woman's Business Enterprises (WBE's): 6%.

A.36 VENUE

This Agreement shall be construed and enforced in accordance with, and the validity and performance shall be governed by, the laws of the state of Washington. Venue of any suit between the parties arising out of this Agreement shall be the Superior Court of Thurston County, Washington. The Subrecipient, by execution of this Agreement, acknowledges the jurisdiction of the courts of the state of Washington.

A.37 WAIVERS

No conditions or provisions of this Agreement can be waived unless approved in advance by the Department in writing. The Department's failure to insist upon strict performance of any provision of the Agreement or to exercise any right based upon a breach thereof, or the acceptance of any performance during such breach, shall not constitute a waiver of any right under this Agreement.

**22SLCGP Award Letter
EMW-2022-CY-00017**

U.S. Department of Homeland Security
Washington, D.C. 20472

Bret Daugherty
Washington Military Department
Building 20
Camp Murray, WA 98430 - 5122

Re: Grant No.EMW-2022-CY-00017

Dear Bret Daugherty:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2022 State and Local Cybersecurity Grant Program has been approved in the amount of \$3,666,530.00. As a condition of this award, you are required to contribute a cost match in the amount of \$407,393.00 of non-Federal funds, or 10 percent of the total approved project costs of \$4,073,923.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2022 State and Local Cybersecurity Grant Program Notice of Funding Opportunity
- Information Bulletin 479: Updated Fiscal Year 2022 State and Local Cybersecurity Grant Program Allocation Amounts

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please log in to the ND Grants system at <https://portal.fema.gov>.

Step 2: After logging in, you will see the Home page with a Pending Tasks menu. Click on the Pending Tasks menu, select the Application sub-menu, and then click the link for "Award Offer Review" tasks. This link will navigate you to Award Packages that are pending review.

Step 3: Click the Review Award Package icon (wrench) to review the Award Package and accept or decline the award. Please save or print the Award Package for your records.

System for Award Management (SAM): Grant recipients are to keep all of their information up to date in SAM, in particular, your organization's name, address, Unique Entity Identifier (UEI) number, EIN and banking information. Please ensure that the UEI number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in the SAM; therefore, it is imperative that the information is correct. The System for Award Management is located at <http://www.sam.gov>.

If you have any questions or have updated your information in SAM, please let your Grants Management Specialist (GMS) know as soon as possible. This will help us to make the necessary updates and avoid any interruptions in the payment process.

PAMELA SUSAN WILLIAMS

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES
State and Local Cybersecurity Grant Program

GRANTEE: Washington Military Department
PROGRAM: State and Local Cybersecurity Grant
Program
AGREEMENT NUMBER: EMW-2022-CY-00017-S01

TABLE OF CONTENTS

Article I	Summary Description of Award
Article II	SLCGP Performance Goal
Article III	Cybersecurity Plan Pending Submission and Approval
Article IV	Committee Membership List Pending Submission or Approval
Article V	DHS Standard Terms and Conditions Generally
Article VI	Assurances, Administrative Requirements, Cost Principles, Representations and Certifications
Article VII	General Acknowledgements and Assurances
Article VIII	Acknowledgement of Federal Funding from DHS
Article IX	Activities Conducted Abroad
Article X	Age Discrimination Act of 1975
Article XI	Americans with Disabilities Act of 1990
Article XII	Best Practices for Collection and Use of Personally Identifiable Information
Article XIII	Civil Rights Act of 1964 - Title VI
Article XIV	Civil Rights Act of 1968
Article XV	Copyright
Article XVI	Debarment and Suspension

Article XVII	Drug-Free Workplace Regulations
Article XVIII	Duplication of Benefits
Article XIX	Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX
Article XX	Energy Policy and Conservation Act
Article XXI	False Claims Act and Program Fraud Civil Remedies
Article XXII	Federal Debt Status
Article XXIII	Federal Leadership on Reducing Text Messaging while Driving
Article XXIV	Fly America Act of 1974
Article XXV	Hotel and Motel Fire Safety Act of 1990
Article XXVI	John S. McCain National Defense Authorization Act of Fiscal Year 2019
Article XXVII	Limited English Proficiency (Civil Rights Act of 1964 - Title VI)
Article XXVIII	Lobbying Prohibitions
Article XXIX	National Environmental Policy Act
Article XXX	Nondiscrimination in Matters Pertaining to Faith-Based Organizations
Article XXXI	Non-Supplanting Requirement
Article XXXII	Notice of Funding Opportunity Requirements
Article XXXIII	Patents and Intellectual Property Rights
Article XXXIV	Procurement of Recovered Materials
Article XXXV	Rehabilitation Act of 1973
Article XXXVI	Reporting of Matters Related to Recipient Integrity and Performance
Article XXXVII	Reporting Subawards and Executive Compensation
Article XXXVIII	Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Article XXXIX	SAFECOM
Article XL	Terrorist Financing
Article XLI	Trafficking Victims Protection Act of 2000 (TVPA)
Article XLII	Universal Identifier and System of Award Management
Article XLIII	USA PATRIOT Act of 2001
Article XLIV	Use of DHS Seal, Logo and Flags
Article XLV	Whistleblower Protection Act
Article XLVI	Environmental Planning and Historic Preservation (EHP) Review
Article XLVII	Applicability of DHS Standard Terms and Conditions to Tribes
Article XLVIII	Acceptance of Post Award Changes
Article XLIX	Disposition of Equipment Acquired Under the Federal Award
Article L	Prior Approval for Modification of Approved Budget
Article LI	Indirect Cost Rate

Article I - Summary Description of Award

The purpose of the Fiscal Year 2022 State and Local Cybersecurity Grant Program (SLCGP) is to assist state, local, and territorial (SLT) governments with managing and reducing systemic cyber risk. Through funding from the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, the SLCGP enables DHS to make targeted cybersecurity investments in SLT government agencies, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide their community. This SLCGP award provides funding in the amount of: \$3,666,530 for the state of Washington. Of this amount, up to \$183,326 can be retained by the State Administrative Agency (SAA) for management and administrative expenses, and a total of \$407,393 is the required cost share.

The terms of the approved Investment Justification(s) and Budget Detail Worksheet(s) submitted by the recipient are incorporated into the terms of this Federal award, subject to the additional description and limitations stated in this Agreement Article and the limitations stated in subsequent reviews by FEMA and CISA of the award budget. Post-award documents uploaded into ND Grants for this award are also incorporated into the terms and conditions of this award, subject to any limitations stated in subsequent approvals by FEMA and CISA of changes to the award. Investments not listed in this Agreement Article are not approved for funding under this award.

Article II - SLCGP Performance Goal

In addition to the Performance Progress Report (PPR) submission requirements due January 30, outlined in NOFO Appendix A-11, recipients must demonstrate how the grant-funded projects address the capability gaps identified in their Cybersecurity Plan or other relevant documentation or sustains existing capabilities per the CISA-approved Investment Justification. The capability gap reduction or capability sustainment must be addressed in the PPR, Section 10. Performance Narrative.

Article III - Cybersecurity Plan Pending Submission and Approval

FEMA has placed a funding hold on \$3,486,554 in the FEMA financial systems. The recipient is prohibited from obligating, expending, or drawing down these funds.

To release this hold, the recipient is required to submit a Cybersecurity Plan for approval by CISA. Please contact CISA at SLCGPInfo@cisa.dhs.gov to receive further guidance on the steps required for Cybersecurity Plan approval.

If you have questions about this funding hold or believe it was placed in error, please contact your FEMA GPD Headquarters Preparedness Officer, Essence Cleveland at Essence.Cleveland@fema.dhs.gov.

Article IV - Committee Membership List Pending Submission or Approval

FEMA has placed a funding hold on this award, and the amount of \$3,486,554 is on hold in the FEMA financial systems. The recipient is prohibited from obligating, expending, or drawing down funds until the Committee Membership List is submitted and approved.

To release this hold, the recipient is required to submit the Committee Membership List, and receive approval of the Membership List from CISA. Please contact CISA at SLCGPInfo@cisa.dhs.gov to receive further guidance on the steps required to release this hold.

If you have questions about this funding hold or believe it was placed in error, please contact your FEMA GPD Headquarters Preparedness Officer, Essence Cleveland at Essence.Cleveland@fema.dhs.gov.

Article V - DHS Standard Terms and Conditions Generally

The Fiscal Year (FY) 2022 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2022. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations.

All legislation and digital resources are referenced with no digital links. The FY 2022 DHS Standard Terms and Conditions will be housed on dhs.gov at www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions.

Article VI - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency.

II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.

III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. section 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article VII - General Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.

II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.

III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article VIII - Acknowledgement of Federal Funding from DHS

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

Article IX - Activities Conducted Abroad

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Article X - Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

Article XI - Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101 - 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

Article XII - Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

Article XIII - Civil Rights Act of 1964 - Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

Article XIV - Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units - i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and

ground-floor units in buildings without elevators) - be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

Article XV - Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

Article XVI - Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Article XVII - Drug-Free Workplace Regulations

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

Article XVIII - Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

Article XIX - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article XX - Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

Article XXI - False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XXII - Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

Article XXIII - Federal Leadership on Reducing Text Messaging while Driving

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.

Article XXIV - Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article XXV - Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. section 2225a.

Article XXVI - John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. sections 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute - as it applies to DHS recipients, subrecipients, and their contractors and subcontractors - prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

Article XXVII - Limited English Proficiency (Civil Rights Act of 1964 - Title VI)

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

Article XXVIII - Lobbying Prohibitions

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article XXIX - National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article XXX - Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article XXXI - Non-Supplanting Requirement

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XXXII - Notice of Funding Opportunity Requirements

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article XXXIII - Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.

Article XXXIV - Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article XXXV - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973) (codified as amended at 29 U.S.C. section 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article XXXVI - Reporting of Matters Related to Recipient Integrity and Performance

General Reporting Requirements:

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXVII - Reporting Subawards and Executive Compensation

Reporting of first tier subawards:

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article XXXVIII - Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act Sections 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. *See also* Office of Management and Budget (OMB), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

Recipients and subrecipients of federal financial assistance programs for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States--this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials are manufactured in the United States--this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements.

(a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:

- (1) applying the domestic content procurement preference would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described. For awards by the Federal Emergency Management Agency (FEMA), existing waivers are available and the waiver process is described at ["Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov](#). For awards by other DHS components, please contact the applicable DHS FAO.

To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see [Programs and Definitions: Build America, Buy America Act | FEMA.gov](#).

Article XXXIX - SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article XL - Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article XLI - Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons:

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

Article XLII - Universal Identifier and System of Award Management

Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article XLIII - USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. sections 175-175c.

Article XLIV - Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article XLV - Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XLVI - Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state, and local laws.

DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. In order to initiate EHP review of your project(s), you must submit a detailed project description along with supporting documentation. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article XLVII - Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article XLVIII - Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@fema.dhs.gov if you have any questions.

Article XLIX - Disposition of Equipment Acquired Under the Federal Award

For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state subrecipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state subrecipients must follow the disposition requirements in accordance with state laws and procedures.

Article L - Prior Approval for Modification of Approved Budget

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308.

For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved.

For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work.

You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article LI - Indirect Cost Rate

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.

BUDGET COST CATEGORIES

Personnel	\$165,066.00
Fringe Benefits	\$62,724.00
Travel	\$10,210.00
Equipment	\$0.00
Supplies	\$946.00
Contractual	\$3,806,028.00
Construction	\$0.00
Indirect Charges	\$28,949.00
Other	\$0.00

Obligating Document for Award/Amendment

1a. AGREEMENT NO. EMW-2022-CY-00017-S01	2. AMENDMENT NO. ***	3. RECIPIENT NO. 916001095G	4. TYPE OF ACTION AWARD	5. CONTROL NO. WX00743N2023T		
6. RECIPIENT NAME AND ADDRESS Washington Military Department Building 20 Camp Murray, WA, 98430 - 5122	7. ISSUING FEMA OFFICE AND ADDRESS FEMA-GPD 400 C Street, SW, 3rd floor Washington, DC 20472-3645 POC: 866-927-5646	8. PAYMENT OFFICE AND ADDRESS FEMA Finance Center 430 Market Street Winchester, VA 22603				
9. NAME OF RECIPIENT PROJECT OFFICER Sierra Wardell	PHONE NO. 2535127121	10. NAME OF FEMA PROJECT COORDINATOR Central Scheduling and Information Desk Phone: 800-368-6498 Email: Askcsid@dhs.gov				
11. EFFECTIVE DATE OF THIS ACTION 12/21/2022	12. METHOD OF PAYMENT PARS	13. ASSISTANCE ARRANGEMENT Cost Reimbursement	14. PERFORMANCE PERIOD From: 12/01/2022 To: 11/30/2026 Budget Period 12/01/2022 11/30/2026			
1 5. DESCRIPTION OF ACTION a. (Indicate funding data for awards or financial changes)						
PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACC'S CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMULATIVE NON-FEDERAL COMMITMENT
State and Local Cybersecurity Grant Program	97.137	2023-IF-PA11-P410- -4101-D	\$0.00	\$3,666,530.00	\$3,666,530.00	See Totals
			\$0.00	\$3,666,530.00	\$3,666,530.00	\$407,393.00
b. To describe changes other than funding data or financial changes, attach schedule and check here. N/A						
16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) State and Local Cybersecurity Grant Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records. 16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.						
17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) Sierra Wardell, Preparedness Grants Section Section Supervisor					DATE Thu Dec 22 16:08:53 UTC 2022	
18. FEMA SIGNATORY OFFICIAL (Name and Title) PAMELA SUSAN WILLIAMS,					DATE Wed Dec 21 20:58:37 UTC 2022	

WORK PLAN

FY 2022 State and Local Cybersecurity Grant Program

PROJECT #1 TITLE *SecureCOR MFA Project: Implementing MFA for Enhanced Cybersecurity at the City of Richland***PROJECT DESCRIPTION**

The SecureCOR MFA project aims to implement a comprehensive multi-factor authentication (MFA) system at the City of Richland, a full-service city with 650+ employees. The project will improve the overall cybersecurity posture of the city by enhancing the security of employee accounts, devices, and networks through the deployment of MFA.

This criticality of this project was identified through a cybersecurity capability assessment done by the city IT team.

This assessment revealed serious gaps such as insufficient security, vulnerability to unauthorized access and limited protection for city devices and networks – all of which can be alleviated by implementing a robust MFA system. A strong MFA system will introduce an additional layer of authentication beyond traditional username and password credentials. The chosen MFA solution will be evaluated based on its effectiveness, ease of use, scalability, and compatibility with existing systems.

A dedicated governance structure comprised of key stakeholders from various city departments will be responsible for overseeing the implementation of the MFA system. By implementing the SecureCOR project, the City of Richland will proactively protect its systems and data, instilling confidence in the public and maintaining the continuity of essential services. With the implementation of the SecureCOR MFA project, the City of Richland will be better prepared to respond to cybersecurity incidents and ensure business continuity.

GAP BEING ADDRESSED

The gap that the SecureCOR MFA project addresses is the lack of a comprehensive multi-factor authentication (MFA) system within the City's cybersecurity infrastructure. The capability assessment conducted by the city IT team identified this gap by assessing the current security infrastructure and procedures.

The capability assessment involved evaluating the existing authentication methods, access controls, and vulnerability points within the City's systems. It also examined the potential risks and vulnerabilities associated with relying solely on traditional username and password credentials for user authentication. The assessment identified the following gaps:

1. **Insufficient Security:** The assessment revealed that relying solely on username and password authentication poses a significant security risk. Passwords can be easily compromised or guessed, and employees may use weak passwords or reuse them across multiple accounts, further increasing the vulnerability.
2. **Vulnerability to Unauthorized Access:** The assessment highlighted the risk of unauthorized access to employee accounts and sensitive data.
3. **Limited Protection for Devices and Networks:** The assessment revealed vulnerabilities in securing employee devices and networks. Without an additional layer of authentication, unauthorized individuals gaining access to an employee's device or network could potentially infiltrate the City's systems and compromise sensitive information.

The SecureCOR MFA project activities will mitigate these identified gaps by implementing a robust MFA system. The MFA system will introduce an additional layer of authentication beyond traditional username and password credentials. The project will evaluate and select an MFA solution based on its effectiveness, ease of use, scalability, and compatibility with existing systems.

The MFA system will provide enhanced security by requiring users to provide at least two different types of authentication factors, such as something they know (password), something they have (security token), or something they are (biometric data). This significantly reduces the risk of unauthorized access even if passwords are compromised.

By implementing the MFA system, the project activities will address the capability assessment gaps by:

1. **Enhancing Security:** The project will significantly enhance the security posture of the City by implementing an additional layer of authentication. This addresses the gap of insufficient security associated with relying solely on passwords.
2. **Mitigating Unauthorized Access:** The MFA system will greatly reduce the risk of unauthorized access to employee accounts and sensitive data, mitigating the identified vulnerability.

3. Strengthening Device and Network Security: The MFA system will provide an added layer of protection for employee devices and networks. Even if a device or network is compromised, unauthorized individuals would still need the second authentication factor to gain access to critical systems.

IMPACT

The SecureCOR MFA project will have a significant impact on the City of Richland by significantly enhancing its overall cybersecurity posture. The implementation of MFA will provide a strong defense against unauthorized access to employee accounts and devices safeguarding the city's data and systems from data breaches and other cyber threats. Some key quantifiable impact metrics of MFA project implementation will be,

1. Reduction in unauthorized access attempts.
2. Decrease in security breaches
3. Better security audit results due to better compliance in security standards
4. Reduction in number of password resets
5. Cost saving, downtime reduction caused by security incidents

With the implementation of the SecureCOR MFA project, the City of Richland will be better prepared to respond to cybersecurity incidents and ensure business continuity. The project is also cost-effective, as it will save the city money in the long run by reducing the risk of cyber threats and breaches.

The project will continue to add value and improvement in the future by:

- Providing a more secure environment for city employees and citizens.
- Reducing the risk of data breaches and other cyber threats.
- Improving the city's ability to respond to cybersecurity incidents.
- Ensuring business continuity.

The investment in the SecureCOR MFA project will also allow for the reuse of principles in the future. For example, the principles of MFA can be applied to other city systems and applications, such as the city's website and email system.

The following are some specific examples of how the proposed solution will support interoperability and interfaces with existing systems:

- The MFA system will use the SAML 2.0 standard for authentication. This is an industry-standard protocol that is widely used by other organizations.
- The MFA system will be able to integrate with the City's Azure Active Directory system. This will allow the MFA system to authenticate users who are already logged into Active Directory.
- The MFA system will be able to integrate with the city's VPN system. This will allow users to access the city's network remotely using MFA.

Ongoing funding support, which is planned to be budgeted in the City's cybersecurity budget in the coming years, will be needed after the grant funding is applied to cover the costs of:

- The maintenance and support of the MFA system, including enhancements and upgrades so that the city's cybersecurity defenses remain up to date and resilient against evolving threats.
- The training of new city employees on MFA best practices.
- The expansion of MFA to cover more city systems and applications.

OUTCOME

The outcome when the SecureCOR MFA project is complete will be a significant improvement in the city's cybersecurity posture. The implementation of MFA will provide a strong defense against unauthorized access to employee accounts and devices, reducing the risk of data breaches and other cyber threats. With the implementation of the SecureCOR MFA project, the City of Richland will be better prepared to respond to cybersecurity incidents and ensure business continuity.

The specific impact(s) to stakeholders will include:

- Increased security for city employees and citizens.

- Reduced risk of data breaches and other cyber threats.
- Improved ability to respond to cybersecurity incidents.
- Enhanced resilience through strengthened cybersecurity practices.

The reduction in cybersecurity risk and increase in resilience through strengthened cybersecurity practices will be quantified by the following metrics:

- Number of successful phishing attacks.
- Number of data breaches and other cybersecurity incidents.
- Cost of data breaches and other cybersecurity incidents.
- Time to recover from data breaches and other cybersecurity incidents.

The incremental performance metrics will include:

- Percentage of users who are enrolled in MFA.
- Percentage of MFA authentication attempts that are successful.
- Average time to authenticate using MFA.

The project investment will be focused on providing customer value and security. The investment plan includes input from customer stakeholders and addresses methods to incorporate user experience/feedback using such tools like user surveys and focus groups.

The following are some specific examples of how the project will provide customer value and security:

- The MFA system will be easy to use and will not add any significant burden to users.
- The MFA system will be secure and will help to protect user accounts and data from unauthorized access.
- The MFA system will be scalable and will be able to accommodate the growth of the city's IT infrastructure.
- The MFA system will be interoperable with the city's existing IT systems.

BUDGET

FY 2022 State and Local Cybersecurity Grant Program

City of Richland

AGREEMENT AMOUNT	\$100,000
------------------	-----------

PROJECT #1		SOLUTION AREA						
		PLANNING	ORGANIZATION	EQUIPMENT	TRAINING	EXERCISE	M&A	TOTAL
	Salaries & Benefits	\$0	\$0		\$0	\$0	\$0	\$0
	Supplies	\$0	\$10,000		\$0	\$0	\$0	\$10,000
	Travel/Per Diem	\$0	\$0		\$0	\$0	\$0	\$0
	Contractor/Consultant	\$0	\$0		\$5,000	\$0	\$0	\$5,000
	Passthrough	\$0	\$0	\$0	\$0	\$0		\$0
	Other	\$0	\$0	\$0	\$5,000	\$0	\$0	\$5,000
	Equipment			\$80,000				\$80,000
	SUBTOTAL	\$0	\$10,000	\$80,000	\$10,000	\$0	\$0	\$100,000
Indirect							\$0	
	TOTAL	\$0	\$10,000	\$80,000	\$10,000	\$0	\$0	\$100,000

TIMELINE

FY 2022 State and Local Cybersecurity Grant Program

DATE	TASK
December 1, 2022	Grant Agreement start date
NLT December 1, 2023	Complete NCSR
January 5, 2024	Submit Progress Report * time period 12/1/2022 - 12/31/2023
July 15, 2024	Submit Progress Report * time period 1/1/2024 - 6/30/2024
NLT December 30, 2024	Complete NCSR
January 5, 2025	Submit Progress Report * time period 7/1/2024 - 12/31/2024
January 31, 2025	Grant Agreement end date
March 17, 2025	Submit Final Reimbursement Request and Closeout Report
October 1st annually	Nationwide Cybersecurity Review (NCSR) opens for input https://www.cisecurity.org/ms-isac/services/ncsr

Debarment, Suspension, Ineligibility or Voluntary Exclusion Certification Form

NAME		Doing business as (DBA)	
ADDRESS	Applicable Procurement or Solicitation #, if any:	WA Uniform Business Identifier (UBI)	Federal Employer Tax Identification #:
This certification is submitted as part of a request to contract.			

Instructions For Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

READ CAREFULLY BEFORE SIGNING THE CERTIFICATION. Federal regulations require contractors and bidders to sign and abide by the terms of this certification, without modification, in order to participate in certain transactions directly or indirectly involving federal funds.

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the department, institution or office to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable CFR, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under applicable CFR, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business activity.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under applicable CFR, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

The prospective lower tier participant certifies, by submission of this proposal or contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this form.

Bidder or Contractor Signature: _____

Date: _____

Print Name and Title: _____

FEDERAL DEBARMENT, SUSPENSION INELIGIBILITY and VOLUNTARY EXCLUSION

(FREQUENTLY ASKED QUESTIONS)

What is “Debarment, Suspension, Ineligibility, and Voluntary Exclusion”?

These terms refer to the status of a person or company that cannot contract with or receive grants from a federal agency.

In order to be debarred, suspended, ineligible, or voluntarily excluded, you must have:

- had a contract or grant with a federal agency, and
- gone through some process where the federal agency notified or attempted to notify you that you could not contract with the federal agency.
- Generally, this process occurs where you, the contractor, are not qualified or are not adequately performing under a contract, or have violated a regulation or law pertaining to the contract.

Why am I required to sign this certification?

You are requesting a contract or grant with the Washington Military Department. Federal law (Executive Order 12549) requires Washington Military Department ensure that persons or companies that contract with Washington Military Department are not prohibited from having federal contracts.

What is Executive Order 12549?

Executive Order 12549 refers to Federal Executive Order Number 12549. The executive order was signed by the President and directed federal agencies to ensure that federal agencies, and any state or other agency receiving federal funds were not contracting or awarding grants to persons, organizations, or companies who have been excluded from participating in federal contracts or grants. Federal agencies have codified this requirement in their individual agency Code of Federal Regulations (CFRs).

What is the purpose of this certification?

The purpose of the certification is for you to tell Washington Military Department in writing that you have not been prohibited by federal agencies from entering into a federal contract.

What does the word “proposal” mean when referred to in this certification?

Proposal means a solicited or unsolicited bid, application, request, invitation to consider or similar communication from you to Washington Military Department.

What or who is a “lower tier participant”?

Lower tier participants means a person or organization that submits a proposal, enters into contracts with, or receives a grant from Washington Military Department, OR any subcontractor of a contract with Washington Military Department. If you hire subcontractors, you should require them to sign a certification and keep it with your subcontract.

What is a covered transaction when referred to in this certification?

Covered Transaction means a contract, oral or written agreement, grant, or any other arrangement where you contract with or receive money from Washington Military Department. Covered Transaction does not include mandatory entitlements and individual benefits.

Sample Debarment, Suspension, Ineligibility, Voluntary Exclusion Contract Provision

Debarment Certification. The Contractor certifies that the Contractor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Contract by any Federal department or agency. If requested by Washington Military Department, the Contractor shall complete a Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion form. Any such form completed by the Contractor for this Contract shall be incorporated into this Contract by reference.

SIGNATURE AUTHORIZATION FORM

WASHINGTON STATE MILITARY DEPARTMENT
Camp Murray, Washington 98430-5122

Please read instructions on reverse side before completing this form.

NAME OF ORGANIZATION	DATE SUBMITTED
PROJECT DESCRIPTION	CONTRACT NUMBER

1. AUTHORIZING AUTHORITY

SIGNATURE	PRINT OR TYPE NAME	TITLE/TERM OF OFFICE

2. AUTHORIZED TO SIGN CONTRACTS/CONTRACT AMENDMENTS

SIGNATURE	PRINT OR TYPE NAME	TITLE

3. AUTHORIZED TO SIGN REQUESTS FOR REIMBURSEMENT

SIGNATURE	PRINT OR TYPE NAME	TITLE

INSTRUCTIONS FOR SIGNATURE AUTHORIZATION FORM

This form identifies the persons who have the authority to sign contracts, amendments, and requests for reimbursement. It is required for the management of your contract with the Military Department (MD). Please complete all sections. One copy with original signatures is to be sent to MD with the signed contract, and the other should be kept with your copy of the contract.

When a request for reimbursement is received, the signature is checked to verify that it matches the signature on file. **The payment can be delayed if the request is presented without the proper signature.** It is important that the signatures in MD's files are current. Changes in staffing or responsibilities will require a new signature authorization form.

1. **Authorizing Authority.** Generally, the person(s) signing in this box heads the governing body of the organization, such as the board chair or mayor. In some cases, the chief executive officer may have been delegated this authority.
2. **Authorized to Sign Contracts/Contract Amendments.** The person(s) with this authority should sign in this space. Usually, it is the county commissioner, mayor, executive director, city clerk, etc.
3. **Authorized to Sign Requests for Reimbursement.** Often the executive director, city clerk, treasurer, or administrative assistant have this authority. It is advisable to have more than one person authorized to sign reimbursement requests. **This will help prevent delays in processing a request if one person is temporarily unavailable.**

If you have any questions regarding this form or to request new forms, please call your MD Program Manager.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 2023-192, Approving the 2024 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan

Department/Office
City Manager

Ordinance/Resolution Number:
2023-192

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-192, approving the 2024 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan.

Summary:

In 2004, the Tri-Cities Area Hotel and Lodging Association proposed that Tourism Promotion Areas (TPA) be formed in each of the three principal cities in the Tri-Cities area, and that, via an interlocal agreement, the assessments be pooled for use by the Tri-Cities Visitor and Convention Bureau to conduct specified promotional activities on behalf of the entire region. On June 15, 2004, Council passed Ordinance No. 17-04, establishing the City of Richland TPA as part of the Tri-City Regional TPA.

Under the management contract with the City, the TPA must submit an annual business plan and budget. Approval of the business plan and budget by Richland and the other participating agencies is necessary to accept and implement the plan for 2024. Additionally, the City recognizes and promotes the TPA as a possible funding program for event organizers, and considers it one of the funding resources within the City's tourism sponsorship program.

On October 17, 2023, the Tri-City Hotel-Motel Commission Budget and Marketing Plan was presented to the Richland City Council at an open public meeting. Approval of the 2024 Tri-City Regional Hotel-Motel Commission Budget and Marketing Plan will allow the TPA to spend funds collected from area hoteliers to support tourism.

Staff recommends adoption of Resolution No. 2023-192.

Fiscal Impact: None.

Attachments:

1. Resolution No. 2023-192
2. TPA Budget and Marketing Plan 2024

RESOLUTION NO. 2023-192

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON
APPROVING THE 2024 TRI-CITY HOTEL-MOTEL COMMISSION
BUDGET AND MARKETING PLAN.**

WHEREAS, in 2004, the Tri-Cities Area Hotel and Lodging Association proposed that Tourism Promotion Areas (TPA) be formed in each of the three principal cities constituting the Tri-Cities; and

WHEREAS, by interlocal agreement, the assessments are pooled for use by Visit Tri-Cities Washington to conduct identified promotional activities on behalf of the region; and

WHEREAS, on June 16, 2004, Richland City Council passed Ordinance No. 17-04, authorizing the City of Richland TPA to become part of the Tri-City Regional TPA; and

WHEREAS, on October 17, 2023, the 2024 Tri-City Hotel-Motel Commission Budget and Marketing Plan was presented to Richland City Council at an open public meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the 2024 Tri-City Hotel-Motel Commission Budget and Marketing Plan is hereby approved.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Tri-City Hotel-Motel Commission 2024 Budget and Marketing Plan

TOURISM PERFORMANCE



PROJECTED U.S. HOTEL KEY PERFORMANCE METRICS*

	2021 Actual	2022 Actual	2023 Forecast	2024 Forecast	2025 Forecast
Occupancy	57.6%	62.6%	63.5%	64.4%	65.3%
ADR	\$125	\$149.06	\$154.28	\$159.03	\$164.27
RevPAR	\$72	\$93.29	\$97.95	\$102.49	\$107.31
RevPAR Compared to 2019	-17%	-7.3%	-2.7%	+1.8%	+6.6%

*STR May 2022 Forecast

2023 PERFORMANCE JANUARY - JUNE*

	OCC	ADR	RevPar	RevPar vs Prior Year
SEATTLE	64.2%	\$192.54	\$123.57	+16.2%
SPOKANE	60.7%	\$139.47	\$84.69	+6.4%
TACOMA	59.1%	\$128.08	\$75.73	+6.3%
TRI-CITIES	66.7%	\$121.13	\$80.77	+12.4%
VANCOUVER	65.1%	\$131.16	\$85.38	+5.2%
YAKIMA	49.7%	\$110.36	\$54.82	+1.7%

*STR June 2023 Destination Report



GUESTROOM AND RFP PRODUCTIVITY

GUESTROOM PRODUCTIVITY

	2022 ACTUAL	2023 FORECAST	2024 GOALS
CONVENTION BOOKINGS	19,654	18,000	20,000
SPORTS BOOKINGS	21,481	24,000	25,000
TOTAL	41,135	42,000	45,000

RFP PRODUCTIVITY

LEADS ISSUED	2022	2023	2024
QTR 1	40	29	45*
QTR 2	44	31	50*
QTR 3	39	35*	60*
QTR 4	67	70*	75*
TOTAL	190	165	230*

*Estimated Production



MEETINGS & CONVENTIONS



20,000

GUEST ROOMS BOOKED



\$5,250,000

ESTIMATED ECONOMIC IMPACT



\$2,600,000

ESTIMATED DIRECT HOTEL SPENDING

CONVENTION SALES PROGRAM TOTAL:

\$80,069

ADVERTISING

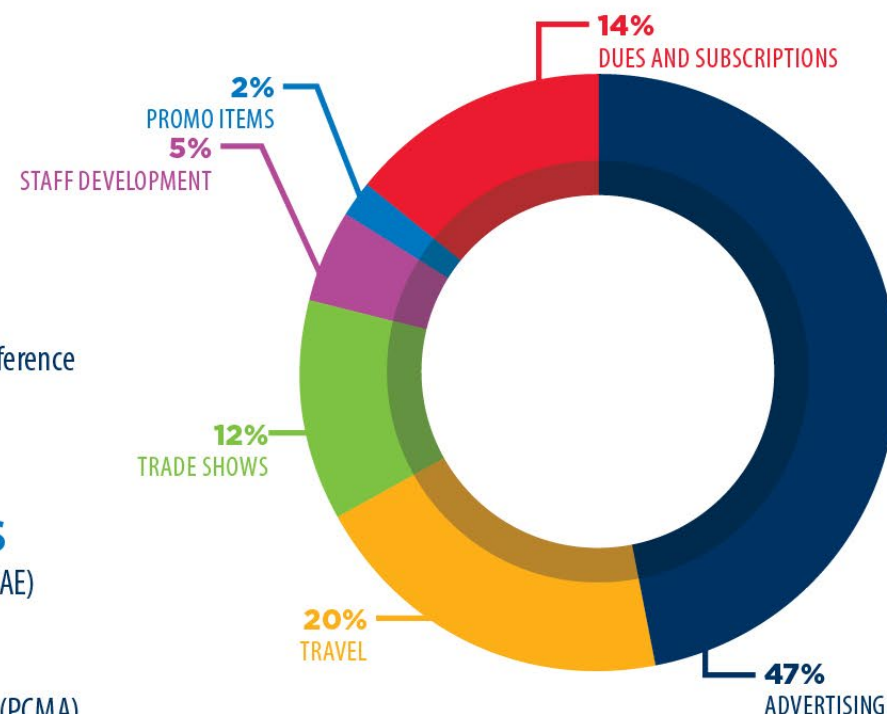
Cvent Diamond Listing
Digital Advertising
Retargeting Campaigns

TRADE SHOWS

Meeting Planners International (MPI)
Washington Society for Association Excellence Conference
National Event for Planners and Travel Advisors
Northwest Event

DUES AND SUBSCRIPTIONS

Washington Society of Association Executives (WSAE)
Meeting Professionals International (MPI)
Society of Government Meeting Professionals
Professional Convention Management Association (PCMA)
National Tour Association
Religious Conference Management Association (RCMA)
Military Reunion Network
DI MINT



SPORTS AND TOURNAMENTS



25,000
GUEST ROOMS BOOKED



\$7,187,500
ESTIMATED ECONOMIC IMPACT



\$3,125,000
ESTIMATED DIRECT HOTEL SPENDING

SPORTS PROGRAM
TOTAL:
\$142,385

ADVERTISING

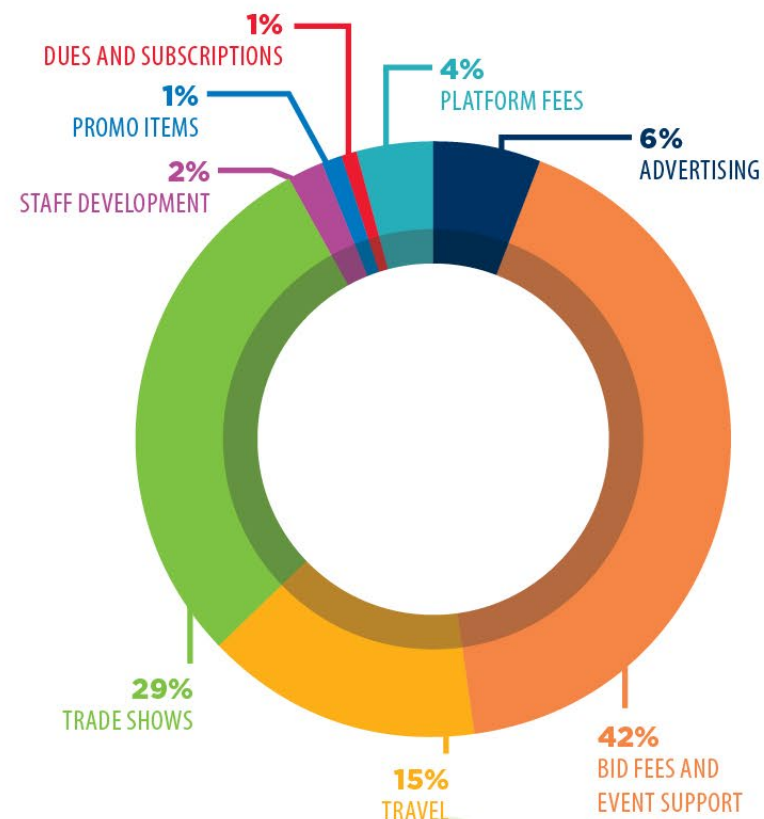
Print Advertising
Playeasy Event Planner Platform
Sports Planning Guide Listings
Printed Sports Facilities Map

BID FEES AND EVENT SUPPORT

USTA Tennis Championships: \$5,000 (Aug)
National Horseshoe Pitchers Association: \$28,000 (July)
B.A.S.S. Nation: \$15,000 (Aug)
Tri-City Water Follies: \$10,000 (Aug)

TRADE SHOWS

TEAMS Conference
EsportsTravel Summit
S.P.O.R.T.S Relationship Conference
Sports ETA Symposium
US Sports Congress



TOURISM DEVELOPMENT

TOURISM DEVELOPMENT TOTAL:

\$563,157



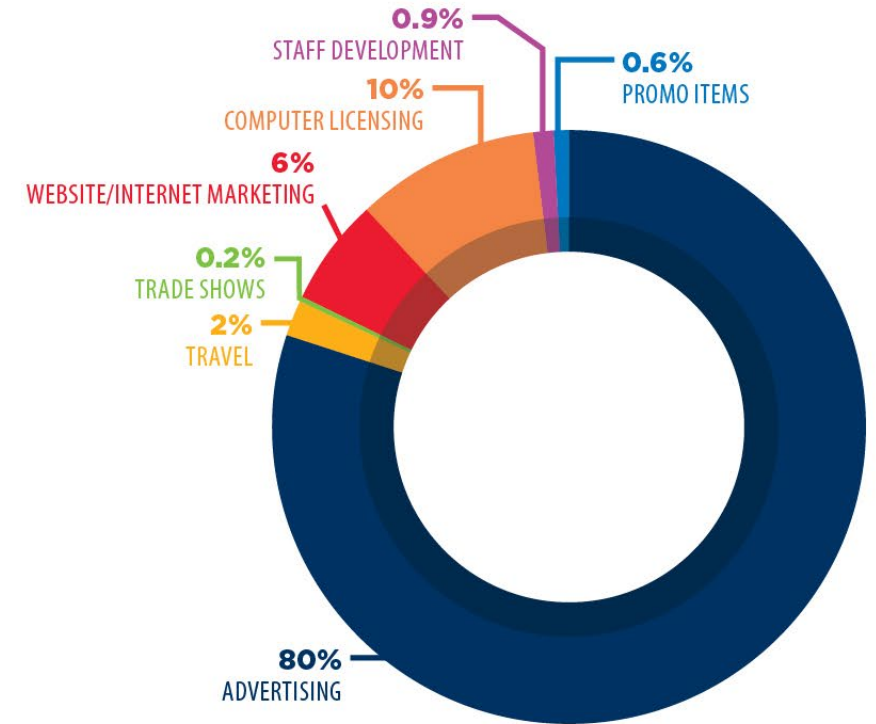
ADVERTISING

Print
Digital
Social
Broadcast
Visit Tri-Cities Visitor Guide

WEBSITE

TRADE SHOWS

Taste Washington
Spokane Golf & Travel Show



DESTINATION MARKETING ORGANIZATION (DMO) FUNDING COMPARATIVE



	Budget	2024 Projected Budget
Kennewick TPA	\$881,500	\$899,800
Pasco TPA	\$430,500	\$572,000
Richland TPA	\$738,000	\$728,000



Destination	Seattle	Spokane	Seattle Southside	Tri-Cities	Tacoma	Yakima Valley	Vancouver	Walla Walla
Overall Budget	\$30,000,000	\$6,700,000	\$3,591,000	\$3,211,000	\$4,000,000	\$3,470,000	\$2,750,000	\$1,200,000
TPA Budget	\$18,000,000	\$4,983,000	\$3,578,400	\$2,200,00	\$1,800,00	\$1,350,000	\$1,250,000	\$385,000
Hotel-Motel Tax Investments	\$0	\$2,326,474	\$0	\$779,727	\$2,000,000	\$557,973	\$700,000	\$6980,000



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:

Resolution No. 2023-193, Authorizing a Memorandum of Understanding with the Port of Benton for a Future Cooperative Property Exchange

Department/Office
City Manager

Ordinance/Resolution Number:
2023-193

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-193, authorizing the City Manager to sign and execute a memorandum of understanding for a future cooperative land exchange with the Port of Benton.

Summary:

The Port of Benton owns industrial real property that has been declared surplus to agency needs and is located in the Northwest Advanced Clean Energy Park, Richland Business Park, and the Richland Innovation Center. The City of Richland owns industrial real property located in the Horn Rapids Industrial Park. The Port has expertise and is uniquely qualified to encourage and effectuate economic development activity involving intermodal transloading to create an inland seaport, and each agency desires to see the full development of the Northwest Advanced Clean Energy Park to support regional electricity baseload generation requirements and advanced manufacturing for the region.

The City and Port seek to continue to coordinate industrial development within the Horn Rapids Industrial Park for economic development, retention, expansion and recruitment, and to deliver private investment and job creation to the region. In support of this coordination, the City and Port intend to exchange and convey to each other a portion of their respective properties in the future, subject to terms and conditions to be determined at a later date. The exact properties and portions thereof are as yet undecided due in part to the final siting of the Port's real property transaction with Pacific Green Fertilizer Corp (Atlas Agro), which may require additional acreage and other considerations.

The City and Port agree that an exchange of certain real property between the jurisdictions will provide each jurisdiction with land more suited to the needs of the accepting jurisdiction. This action will benefit the region by aligning the respective strengths of each organization to create economic growth and jobs. Resolution No. 2023-193 only identifies this project as a concept. Future land transactions will be advanced pursuant to each party's authorization process with final approval sought from the Port of Benton Commission and the Richland City Council.

Staff recommends adoption of Resolution No. 2023-193.

Fiscal Impact: None.

Attachments:

1. Resolution No. 2023-193
2. Proposed Memorandum of Understanding with Port of Benton

RESOLUTION NO. 2023-193

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH
THE PORT OF BENTON REGARDING A FUTURE REAL ESTATE
LAND TRANSFER.**

WHEREAS, the Port of Benton (the “Port”) owns industrial real property that has been declared surplus to agency needs and is located in the Northwest Advanced Clean Energy Park, Richland Business Park, and the Richland Innovation Center; and

WHEREAS, the City of Richland (the “City”) owns industrial real property located in the Horn Rapids Industrial Park; and

WHEREAS, the Port has expertise and is uniquely qualified to encourage and effectuate economic development activity involving intermodal transloading to create an inland seaport; and

WHEREAS, the City and Port desire to see the full development of the Northwest Advanced Clean Energy Park to support regional electricity baseload generation requirements and advanced manufacturing for the region; and

WHEREAS, the City and Port seek to continue to coordinate industrial development within the Horn Rapids Industrial Park for economic development, retention, expansion and recruitment, and bringing private investment and job creation to the region; and

WHEREAS, the City and Port intend to exchange and convey to each a portion of their respective properties, subject to terms and conditions to be determined at a later date; and

WHEREAS, the exact properties and portions thereof are as yet undecided due in part to the final siting of the Port’s real property transaction with Pacific Green Fertilizer Corp (Atlas Agro), which may require additional acreage; and

WHEREAS, the City and Port agree that an exchange of certain real property between the jurisdictions will provide each jurisdiction with land more suited to the needs of the accepting jurisdiction; and

WHEREAS, each Party will hold the requisite public hearings as required by their respective jurisdiction’s surplus and sale process prior to finalizing a transfer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a Memorandum of Understanding with the Port of Benton for a future real estate land transfer.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 19th day of December, 2023.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Memorandum of Understanding
Between
THE CITY OF RICHLAND AND THE PORT OF BENTON
Re: Real Estate Land Transfer

THIS Memorandum of Understanding is entered into this _____ day of _____, 2023 (the "Effective Date"), by and between the City of Richland, a Washington municipal corporation, (hereafter "Richland" or "City"), and the **Port of Benton**, a political subdivision of the state of Washington (hereafter "the Port"). Richland and the Port are also herein referred to individually as a "Party" and collectively as "the Parties."

This MOU represents good faith voluntary commitments that are being made by the Parties in the spirit of cooperation. The Parties are motivated by their belief that these commitments will mutually benefit the residents and landowners of the Port and the City of Richland.

I. RECITALS

WHEREAS, the Port owns industrial real property that has been declared surplus to agency needs and located in the Northwest Advanced Clean Energy Park, Richland Business Park, and the Richland Innovation Center; and

WHEREAS, the City owns industrial real property located in the Horn Rapids Industrial Park; and

WHEREAS, the Port has expertise and is uniquely qualified to encourage and effectuate economic development activity involving intermodal transloading to create an inland seaport; and

WHEREAS, the City and Port desire to see the full development of the Northwest Advanced Clean Energy Park to support regional electricity baseload generation requirements and advanced manufacturing for the region; and

WHEREAS, the City and the Port seek to continue to coordinate the industrial development within Horn Rapids Industrial Park for economic development, retention, expansion and recruitment bringing private investment and job creation to the region; and

WHEREAS, the City and Port intend to exchange and convey to each a portion of the properties described above, subject to terms and conditions determined at a later date; and

WHEREAS the exact properties and portions thereof are as yet undecided due in part to the final siting of the Port's real property transaction with Pacific Green Fertilizer Corp (Atlas Agro), who may be in need of additional acreage; and

WHEREAS, the Parties, through execution of this non-binding MOU, have determined that an exchange of certain real property between the jurisdictions will provide each jurisdiction with land more suited to the needs of the accepting jurisdiction; and

WHEREAS, each Party will hold the requisite public hearing(s) as required by their respective jurisdiction's surplus and sale process prior to finalizing a transfer; and

WHEREAS, each Party's legislative authority approves the concept of the intended land transfer, and anticipates additional future legislative action to execute said transfer.

NOW, THEREFORE, in consideration of the foregoing recitals, the Parties declare their respective objectives as follows:

II. Terms of Understanding

1. The Parties hereby commit to engage in open communication regarding long-range planning efforts by the Port in the City to align with each agency's established strategic planning objectives.
2. The City and the Port will continue to negotiate in good faith towards the transfer of property, on a net-neutral basis, to align properties with agency strengths.

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Understanding as of the date first written above.

CITY OF RICHLAND

Jon Amundson, City Manager

Attest:

Jennifer Rogers, City Clerk

Approved as to form:

Heather Kintzley, City Attorney

PORT OF BENTON

Diahann Howard, Executive Director

Attest:

Jeff Lubeck, Finance Director

Approved as to form:

David Billetdeaux, Port General Counsel



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Items - Approval

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Authorizing an Increase to the City Manager's Annual Salary for Calendar Year 2024

Department/Office
Human Resources

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Move to approve a 5.5% increase to City Manager Jon Amundson's 2023 base salary effective December 18, 2023.

Summary:

Richland City Council has completed its annual evaluation of City Manager Jon Amundson's performance for the calendar year 2023. After the evaluation, City Council directed staff to prepare an item for approval to be included in the December 19, 2023 agenda packet providing for a salary adjustment.

City Council intends to increase the City Manager's annual salary by 5.5% effective December 18, 2023. Per the terms of the existing employment contract between the City of Richland and Mr. Amundson, "[i]n conjunction with Amundson's annual review or at any other time during the term of this Agreement, the City Council may, in its discretion, review and adjust the base salary and/or benefits of Amundson."

The increase is consistent with the established parameters for unaffiliated employees and takes into consideration the 2% range movement adopted by Resolution No. 2023-185 on December 5, 2023. No other proposed changes to the City Manager's compensation or benefits are presented at this time.

Fiscal Impact:

The City Manager's 2023 base salary is \$221,416. The position's annualized salary and benefits costs are anticipated in the 2024 Budget.

Attachments:

1. City Manager Merit Increase for Performance in 2023
2. City Manager Performance Evaluation Criteria
3. Averaged Council Scoring - 2023 City Manager Performance Evaluation

CITY OF RICHLAND
OFFICE OF THE MAYOR

625 Swift Boulevard, MS-4
Richland, WA 99352
(509) 942-7381



TO: Brandon Allen, Finance Director

FROM: Terry Christensen, Mayor

DATE: December 19, 2023

SUBJECT: Merit Increase for City Manager Amundson for 2023 Performance

Consistent with action taken by Richland City Council on December 19, 2023, please increase City Manager Jon Amundson's 2023 base salary by 5.5% effective December 18, 2023. This reflects a merit increase awarded for performance during the 2023 calendar year.

Leadership Competencies

Individual Characteristics

- Diligent and thorough in the discharge of duties, "self-starter"
- Exercises good judgment
- Display enthusiasm, cooperation, and willingness to adapt
- Directs competent and capable energy and ability toward tasks required of the position
- Exhibits composure, appearance, and attitude for an executive position

Professional Skills and Status

- Maintains knowledge of current developments affecting the practice of local government management
- Demonstrates a capacity for innovation and creativity
- Anticipates and analyzes problems to develop effective approaches for solving them
- Willing to try new ideas proposed by City Councilmembers and/or staff
- Sets a professional example by handling affairs of the public office in a fair and impartial manner

Relations with Members of the City Council

- Carries out directives of the body as a whole as opposed to those of any one member or minority group
- Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- Disseminates complete and accurate information equally to all members in a timely manner
- Assists by facilitating decision-making without usurping authority
- Responds well to requests, advice, and constructive criticism

Policy Execution

- Implements governing body actions in accordance with the intent of the council
- Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- Understands, supports, and enforces local government’s laws, policies, and ordinances
- Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Reporting

- Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as a guide
- Responds in a timely manner to requests from the governing body for special reports
- Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- Reports produced by the manager are accurate, comprehensive, concise, and written to their intended audience
- Produces and handles reports in a way to convey the message that the affairs of the organization are open to public scrutiny

Citizen Relations

- Responsive to requests from citizens
- Demonstrates a dedication to service to the community and its citizens
- Maintains a nonpartisan approach in dealing with the news media
- Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- Gives an appropriate effort to maintain citizen satisfaction with city services

Staffing

- Recruits and retains competent personnel for staff positions
- Applies an appropriate level of supervision to improve any areas of substandard performance
- Stays accurately informed and appropriately concerned about employee relations
- Professionally manages the compensation and benefits plan
- Promotes training and development opportunities for employees at all levels of the organization

Supervision

- Encourages department directors to make decisions within their jurisdictions with minimal city manager involvement yet maintains general control of operations by providing the right amount of communication to the staff
- Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- Develops and maintains a friendly and informal relationship with the staff and workforce in general, yet maintains the professional dignity of the city manager's office
- Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- Encourages teamwork, innovation, and effective problem-solving among all staff members

Fiscal Management

- Prepares a balanced budget to provide services at a level directed by the City Council
- Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- Prepares a budget and budgetary recommendations in an intelligent and accessible format
- Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- Appropriately monitors and manages fiscal activities of the organization

Community

- Shares responsibility for addressing the difficult issues facing the city
- Avoids unnecessary controversy
- Cooperates with neighboring communities and Benton County
- Helps the council address future needs and develop adequate plans to address long-term trends
- Cooperates with other regional, state and federal government agencies



Leadership Competencies – 2023 Review

Averaged Council Scoring

Individual Characteristics = 4.5

Professional Skills and Status = 4.2

Relations with Members of the City Council = 4.2

Policy Execution = 4.2

Reporting = 4.3

Citizen Relations = 4.3

Staffing = 4.1

Supervision = 4.5

Fiscal Management = 4.4

Community = 4.4

Overall Average = 4.3
Above Average

Scale	Rating		Range
5	Excellent	Almost always exceeds the performance standard	4.5-5.0
4	Above Average	Generally exceeds the performance standard	3.5-4.49
3	Average	Generally meets the performance standard	2.5-3.49
2	Below Average	Usually does not meet the performance standard	1.5-2.49
1	Poor	Rarely meets the performance standard	0-1.49



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Expenditures - Approval

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Expenditures from November 1, 2023 to November 30, 2023 for \$29,987,044.80 including Travel Check Nos. 20438-20453, Accounts Payable Check Nos. 317044-318083, Accounts Payable Wire Nos. 9797-9838, Payroll Wires & ACH Nos. 13675-13724, Payroll Direct Deposit & Check Nos. 215624-216781, and Pension Check Nos. 6610-6632

Department/Office
Finance

Ordinance/Resolution Number:

Document Type:
Expenditures

Recommended Motion:

Approve the expenditures from November 1, 2023 to November 30, 2023 in the amount of \$29,987,044.80.

Summary:

Breakdown of Expenditures:

Travel Checks	20438-20453	\$15,720.54
Accounts Payable Checks	317044-318083	\$6,643,406.15
Accounts Payable Wires	9797-9838	\$16,976,889.16
Payroll Wires & ACH	13675-13724	\$3,386,657.06
Payroll Direct Deposit & Checks	215624-216781	\$2,942,985.91
Pension Checks	6610-6632	\$21,385.98
TOTAL		\$29,987,044.80

Fiscal Impact: Total Disbursements: \$29,987,044.80

Attachments:

1. Expenditure Summary
2. Travel Checks
3. Accounts Payable Checks
4. Accounts Payable Wires
5. Payroll Wires & ACH
6. Payroll Direct Deposit & Checks
7. Pension Checks

Expenditure Summary - 11/1/2023 - 11/30/2023

AP-EXP-SUMMARY-001

Expenditure Breakdown Summary

	REPORT	START CHECK	END CHECK	CHECK COUNT	CHECK TOTALS	VOID AMT
Travel Checks	(AP-TRVLCHKS-001)	20438	20453	16	\$15,720.54	\$221.13
Accounts Payable Checks	(AP-CHKHIST-DETAIL-001)	317044	318083	1040	\$6,643,406.15	\$191.52
Accounts Payable Wires	(AP-WIRENOS-001)	9797	9838	42	\$16,976,889.16	\$0.00
Payroll Wires & ACH	(PR-WIRESACH-001)	13675	13724	50	\$3,386,657.06	\$0.00
Payroll Direct Deposit & Checks	(PR-CHKHIST-DETAIL-001)	215624	216781	1158	\$2,942,985.91	\$0.00
Pension Checks	(PR-CHKHIST-DETAIL-002)	6610	6632	23	\$21,385.98	\$0.00

\$29,987,044.80

AP Travel Checks - MUNIS 11/1/2023 - 11/30/2023

Travel Check Summary Information

CHECK DATE	START CHECK	END CHECK	CHECK KNT	CHECK TOTALS	VOID AMT
11/01/2023	20438	20444	7	\$5,073.41	\$0.00
11/08/2023	20445	20446	2	\$998.04	\$221.13
11/15/2023	20447	20447	1	\$305.27	\$0.00
11/22/2023	20448	20451	4	\$7,750.74	\$0.00
11/29/2023	20452	20453	2	\$1,593.08	\$0.00
			16	\$15,720.54	\$221.13

Travel Check Detail Information

CHECK DATE	START CHECK	VOID	PAYEE	CHECK AMT	CHK COMMENT	VOID AMT	VOID COMMENT
11/01/2023	20438		TOBY BILLINGS	\$110.00	23-324 PACIFIC NORTHWEST PRETR	\$0.00	
11/01/2023	20439		STEVE BREWER	\$110.00	23-323 PACIFIC NORTHWEST PRETR	\$0.00	
11/01/2023	20440		DOUGLAS DEGRAAF	\$1611.95	23-333 HPSUG HEXAGON PUB SAFET	\$0.00	
11/01/2023	20441		VINCENT HUPF	\$1874.00	23-364 HDS CERTIFICATION COURS	\$0.00	
11/01/2023	20442		DUSTIN RICHMAN	\$364.26	23-242 CHILD HOMICIDE INVESTIG	\$0.00	
11/01/2023	20443		BRYAN SOLOMON	\$110.00	23-325 PACIFIC NORTHWEST PRETR	\$0.00	
11/01/2023	20444		CLAIRE VENEMA	\$893.20	23-359 SOCIAL MEDIA PIO CONFER	\$0.00	
11/08/2023	20445		JOHN MARQUEZ	\$998.04	23-367 2023 SWANA MOLO TRAININ	\$0.00	
11/08/2023	20446	VOID	JOHN MCCAULEY	\$0.00	VOID AFTER UPDATE 11/20/2023	\$221.13	
11/15/2023	20447		CLINT WHITNEY	\$305.27	23-374 MEETING WITH BPA	\$0.00	
11/22/2023	20448		TIMOTHY ESTELL	\$2207.29	23-358 CARDIAC ARREST SURVIVAL	\$0.00	
11/22/2023	20449		ABRAHAM FANDRICH	\$2207.29	23-386 CARDIAC ARREST SURVIVAL	\$0.00	
11/22/2023	20450		JAMES HEMPSTEAD	\$2013.28	23-387 CARDIAC ARREST SURVIVAL	\$0.00	
11/22/2023	20451		JOSHUA SMITH	\$1322.88	23-388 CARDIAC ARREST SURVIVAL	\$0.00	
11/29/2023	20452		GUO, SHARON	\$1342.00	23-380 HARRIS ADVANCED CIS TRA	\$0.00	
11/29/2023	20453		JORY PARISH	\$251.08	23-373 TASER INSTRUCTOR RE-CER	\$0.00	
				\$15720.54		\$221.13	

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/01/2023	317044	P	10247	3M	\$2,299.97	0	1101231	Sign Film
11/01/2023	317045	P	11063	A & E TOWING LLC	\$276.10	0	1101231	RPD EVIDENCE TOW CHARGE
11/01/2023	317046	P	10000	KBL, INC.	\$433.22	0	1101231	Contract Documents 2023 Misc S
11/01/2023	317047	P	10838	GRIGG ENTERPRISES INC	\$208.96	0	1101231	CEMENT/VALVE BOX
11/01/2023	317048	P	32117	ALASKA RUBBER GROUP INC	\$139.87	0	1101231	HYD HOSE VEH#3222 WO#70968
11/01/2023	317049	VOID	10340	AMERICAN RADIATOR INC	\$0.00	191.52	1101231	VOID AFTER UPDATE 11/01/2023
11/01/2023	317050	P	10705	INTERSTATE CONCRETE & ASPHALT COMPANY	\$1,751.15	0	1101231	63.92 ROCK - 5/8 TOP COURSE
11/01/2023	317051	P	10601	APPLIED INDUSTRIAL TECH INC	\$789.98	0	1101231	BEARINGS VEH#5038 WO#70832
11/01/2023	317052	P	31205	ARAMARK UNIFORM & CAREER APPAREL GROUP, INC	\$562.04	0	1101231	LINEN CHARGES FOR SEPTEMBER
11/01/2023	317053	P	10670	ARROW CONSTRUCTION SUPPLY INC	\$592.63	0	1101231	SWIVEL TIP VEH#6644 WO#71003
11/01/2023	317054	P	999000	AUREF - Utility Customer Refunds	\$131.58	0	1101231	400 BRADLEY BLVD Ste 201
11/01/2023	317055	P	11079	AUTOZONE STORES LLC	\$42.18	0	1101231	CABIN AIR FILTER VEH#2513 WO#7
11/01/2023	317056	P	10281	BENTON COUNTY	\$137,044.43	0	1101231	CUSTODY COSTS SEPTEMBER 2023
11/01/2023	317057	P	10713	BENTON FRANKLIN COMMUNITY ACTION COMMITTEE	\$25.00	0	1101231	LIECP Weatherization Program
11/01/2023	317058	P	11272	BOYD'S TREE SERVICE LLC	\$8,951.37	0	1101231	TREE PRUNING & VEGETATION MANA
11/01/2023	317059	P	31841	CAMPBELL & COMPANY SERVICE CORPORATION	\$800.00	0	1101231	1114 Wright - Hedges - HP Reba
11/01/2023	317060	P	10026	CASCADE NATURAL GAS CORP	\$68.36	0	1101231	NATURAL GAS FOR GENERATOR COLU
11/01/2023	317061	P	10597	CHARTER COMMUNICATIONS	\$227.97	0	1101231	RPD INTERNET ULTRA/STATIC IP T
11/01/2023	317062	P	10261	CITY OF RICHLAND	\$1,916.88	0	1101231	23-311 HUPF JBLM INTERMEDIATE
11/01/2023	317063	P	31990	CLEARWATER CONSTRUCTION & MANAGEMENT LLC	\$197,429.67	0	1101231	WWTP Aeration Basin Retrofit P
11/01/2023	317064	P	11312	COEUR D'ALENE SERVICE STATION EQUIPMENT INC	\$478.22	0	1101231	REPLACE BREAKAWAY SWIVEL AT FU
11/01/2023	317065	P	10135	CI SUPPORT LLC	\$32.70	0	1101231	CI Shred Service IT - WO 02801
11/01/2023	317066	P	10470	COMMERCIAL TIRE INC	\$2,962.12	0	1101231	STEER TIRES VEH#3335 WO#71005
11/01/2023	317067	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$14,689.06	0	1101231	COL PT GOLF - LIGHTS
11/01/2023	317068	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$151.85	0	1101231	LIBRARY - MOTION SENSOR
11/01/2023	317069	P	12494	CONSOR NORTH AMERICA INC	\$11,687.18	0	1101231	WWTF AERATION BASIN #2 RETROFI
11/01/2023	317070	P	12151	CORE & MAIN LP	\$2,867.03	0	1101231	CLOW BREAK FLANGE KITS
11/01/2023	317071	P	11526	CORWIN OF PASCO LLC	\$1,529.72	0	1101231	IGNITION COIL VEH#2465 WO#7097
11/01/2023	317072	P	30163	JASON CROUCH	\$0.39	0	1101231	23-313 CROUCH JBLM INTERMEDIAT
11/01/2023	317073	P	11226	DGR GRANT CONSTRUCTION INC	\$862,164.75	0	1101231	Fire Station 76 Progressive De
11/01/2023	317074	P	10268	FEDERAL EXPRESS CORP	\$186.05	0	1101231	PRETRTMNT SAMPLE SHIP FPO 10-1

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/01/2023	317075	P	10315	FERGUSON US HOLDINGS INC	\$422.18	0	1101231	PRV- BUSHINGS/NIP/BALL VALVES
11/01/2023	317076	P	10315	FERGUSON US HOLDINGS INC	\$494.57	0	1101231	LIBRARY - PLUMBING PARTS
11/01/2023	317077	P	10289	FIELD INSTRUMENTS & CONTROLS INC	\$807.76	0	1101231	RADIO EQUIPMENT FOR WW EFFLUEN
11/01/2023	317078	P	12444	FREDDIE'S TRADING POST	\$1,248.96	0	1101231	TONNEAU REVOLVER VEH#2547 WO#7
11/01/2023	317079	P	10220	FRONTIER FENCE INC	\$29.95	0	1101231	COLUMBIA PLAYFIELD - STORAGE F
11/01/2023	317080	P	10657	FRONTIER TITLE & ESCROW COMPANY	\$1,628.00	0	1101231	RECORDING FEES - LIENS AND REL
11/01/2023	317081	P	30401	TODD GILBERT	\$0.39	0	1101231	23-312 GILBERT JBLM INTERMEDIA
11/01/2023	317082	P	31030	GROENEVELD LUBRICATION SOLUTIONS INC.	\$357.61	0	1101231	AUTO GREASE FITTINGS VEH#3359
11/01/2023	317083	P	31596	MICHELLE HAFFNER	\$130.99	0	1101231	REIMB MILEAGE AND WALMART PURC
11/01/2023	317084	P	32125	HD SUPPLY INC	\$1,004.27	0	1101231	TUBING CKIT FOR CL17
11/01/2023	317085	P	31778	VINCENT HUPF	\$0.39	0	1101231	23-311 HUPF JBLM INTERMEDIATE
11/01/2023	317086	P	10290	JIM'S PACIFIC GARAGES INC	\$177.55	0	1101231	ALIGNMENT VEH#3313 WO#70946
11/01/2023	317087	P	31543	JORDAN MECHANICAL GROUP LLC	\$1,896.00	0	1101231	2023 WWTF ON-CALL HVAC SUPPORT
11/01/2023	317088	P	31660	KELLEY CONNECT CO	\$148.92	0	1101231	Xerox Contract Charges Oct 202
11/01/2023	317089	P	10071	KENNEWICK INDUSTRIAL & ELECTRICAL SUPPLY	\$59.15	0	1101231	BUSHINGS AND UNION FOR RDT REP
11/01/2023	317090	P	10219	LES SCHWAB TIRE CENTERS OF WASHINGTON INC	\$514.81	0	1101231	TIR ROD END VEH#2439 WO#70959
11/01/2023	317091	P	10093	MCCURLEY INTEGRITY DEALERSHIPS, LLC	\$1,703.75	0	1101231	BRAKE BOOSTER, STEERING SEAL V
11/01/2023	317092	P	10083	MONARCH MACHINE & TOOL CO INC	\$2,854.54	0	1101231	LIFTING LUGS VEH#7200 WO#70824
11/01/2023	317093	P	31674	P&F AUTOMOTIVE WAREHOUSE INC	\$656.43	0	1101231	MULTIPLE INVOICES CREDIT TO FL
11/01/2023	317094	P	31835	THE BUILDING DEPARTMENT LLC	\$8,197.97	0	1101231	NWCP Contract for Professional
11/01/2023	317095	P	30273	NORTHWEST EQUIPMENT SALES, INC	\$1,075.08	0	1101231	100 FULL SERVICE VEH#3345 WO#7
11/01/2023	317096	P	10981	OIL RE-REFINING CO	\$320.00	0	1101231	Recycled Oil Haul 10/25/23
11/01/2023	317097	P	10357	OXARC INC	\$83.01	0	1101231	SHOP SUPPLIES - OXYGEN FOR WEL
11/01/2023	317098	P	10569	PATRIOT 2000 INC	\$750.00	0	1101231	COMBO BLADES 18" AND 14"
11/01/2023	317099	P	12238	REXEL USA, INC	\$216.58	0	1101231	RCC - ELECTRICAL PARTS
11/01/2023	317100	P	32314	PPC SOLUTIONS, INC	\$1,584.00	0	1101231	1344 Thayer Dr-Security 6/13/2
11/01/2023	317101	P	10724	PUBLIC SAFETY TESTING INC	\$978.00	0	1101231	3RD QUARTER SUBSCRIPTION FEES:
11/01/2023	317102	P	12318	RINGOLD EMBROIDERY	\$3,079.47	0	1101231	RPD HATS QTY 40, LADIES JACKET
11/01/2023	317103	P	11076	RIO FOLTZ PLLC	\$38,595.00	0	1101231	PROSECUTION SERVICES - NOVEMBE
11/01/2023	317104	P	11273	ROUTEWARE INC	\$1,107.00	0	1101231	Heavy Duty Tablet
11/01/2023	317105	P	10280	SHERWIN WILLIAMS CO	\$36.50	0	1101231	2-PAINT
11/01/2023	317106	P	10649	SNAP ON INCORPORATED	\$185.32	0	1101231	SHOP TOOLS COOLANT REFILLER
11/01/2023	317107	P	10440	SOLID WASTE SYSTEMS INC	\$5,393.02	0	1101231	BACKING ROLLER BEARING VEH#336

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/01/2023	317108	P	10536	SPRAGUE PEST SOLUTIONS	\$235.09	0	1101231	CITY HALL - PEST CONTROL
11/01/2023	317109	P	10205	STAR RENTALS & SALES	\$224.77	0	1101231	Marking Paint
11/01/2023	317110	P	32038	LEATHAM FAMILY LLC	\$1,925.62	0	1101231	RPD UNIFORM BADGES
11/01/2023	317111	P	10961	TACOMA SCREW PRODUCTS INC	\$9.43	0	1101231	PROUT POOL - PUMP PARTS
11/01/2023	317112	P	31051	THE GOODYEAR TIRE & RUBBER COMPANY	\$2,950.49	0	1101231	TIRE CHANGE VEH#3351 WO#70975
11/01/2023	317113	P	10122	TRAFFIC SAFETY SUPPLY CO INC	\$6,318.75	0	1101231	SIGN MATERIALS
11/01/2023	317114	P	11175	TYNDALE ENTERPRISES INC	\$2,528.80	0	1101231	2023 FR CLOTHING PER SEATTLE C
11/01/2023	317115	P	10302	UNIVAR SOLUTIONS USA INC	\$744.12	0	1101231	3DR-SOD HYPO 12.5% LIQUICHLOR
11/01/2023	317116	P	10325	WA STATE CRIMINAL JUSTICE TRAINING	\$14,991.00	0	1101231	SUDDEN INFANT DEATH TRAINING -
11/01/2023	317117	P	999003	WASTEWORX REFUND	\$35.00	0	1101231	Refund overpayment WW account
11/01/2023	317118	P	10424	WATTS CONSTRUCTION INC	\$203,415.32	0	1101231	Vantage Highway Pathway Ph2
11/01/2023	317119	P	10059	WESTERN STATES EQUIPMENT COMPANY	\$3,105.96	0	1101231	FITTINGS VEH#3390 WO#70668
11/01/2023	317120	P	10147	WILBUR-ELLIS HOLDINGS II, INC	\$15,453.88	0	1101231	STOCK - FERT
11/01/2023	317121	P	10194	XEROX CORPORATION	\$1,415.68	0	1101231	FLEET PRINTER RENTAL
11/01/2023	317122	P	10004	MARSHALL R BAKER	\$164.90	0	110123FP	MEDICARE PREMIUM/BAKER
11/01/2023	317123	P	10005	RON BEARDEMPHL	\$164.90	0	110123FP	MEDICARE PREMIUM/BEARDEMPHL
11/01/2023	317124	P	10014	JOHN S BOARDMAN	\$1,154.30	0	110123FP	MEDICARE PREMIUM/BOARDMAN
11/01/2023	317125	P	10180	CANFIELD, HARRY R	\$164.90	0	110123FP	MEDICARE PREMIUM/CANFIELD
11/01/2023	317126	P	10040	DANNY DOWNS	\$164.90	0	110123FP	MEDICARE PREMIUM/DOWNS
11/01/2023	317127	P	10085	JAMES P MULROY	\$164.90	0	110123FP	MEDICARE PREMIUM/MULROY
11/01/2023	317128	P	10086	DAVID MURRAY	\$156.90	0	110123FP	MEDICARE PREMIUM/MURRAY
11/01/2023	317129	P	10087	EDWARD A MYERS	\$164.90	0	110123FP	MEDICARE PREMIUM/MYERS
11/01/2023	317130	P	10820	OWEN, MICHAEL	\$159.90	0	110123FP	MEDICARE PREMIUM/OWEN
11/01/2023	317131	P	10533	JAMES POLLARD	\$164.90	0	110123FP	MEDICARE PREMIUM/POLLARD
11/01/2023	317132	P	10109	RODGERS, GARY H	\$157.86	0	110123FP	MEDICARE PREMIUM/RODGERS
11/01/2023	317133	P	10111	LARRY RONEY	\$164.90	0	110123FP	MEDICARE PREMIUM/RONEY
11/01/2023	317134	P	10116	DONALD SIEMENS	\$164.90	0	110123FP	MEDICARE PREMIUM/SIEMENS
11/01/2023	317135	P	12440	MARK STRATTON	\$164.90	0	110123FP	MEDICARE PREMIUM/STRATTON
11/01/2023	317136	P	10673	TERRY THRALL	\$164.90	0	110123FP	MEDICARE PREMIUM/THRALL
11/01/2023	317137	P	10142	ROYAL WEST	\$116.00	0	110123FP	MEDICARE PREMIUM/WEST
11/01/2023	317138	P	10148	CRAIG E WILLIAMSON	\$139.90	0	110123FP	MEDICARE PREMIUM/WILLIAMSON
11/01/2023	317139	P	10103	KERI RANDALL BADGLEY	\$164.90	0	110123PP	MEDICARE PREMIUM/BADGLEY
11/01/2023	317140	P	10160	LAURIE VERN BATES JR	\$164.90	0	110123PP	MEDICARE PREMIUM/BATES

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/01/2023	317141	P	10855	BEDEN, LARRY	\$164.90	0	110123PP	MEDICARE PREMIUM/BEDEN
11/01/2023	317142	P	10169	DALE A BRUNSON	\$164.90	0	110123PP	MEDICARE PREMIUM/BRUNSON
11/01/2023	317143	P	10170	RANDY H CARPER	\$670.90	0	110123PP	MEDICARE PREMIUM/CARPER
11/01/2023	317144	P	10167	MIKE CASE	\$164.90	0	110123PP	MEDICARE PREMIUM/CASE
11/01/2023	317145	P	10029	MICHAEL CLEAVENGER	\$164.90	0	110123PP	MEDICARE PREMIUM/CLEAVENGER
11/01/2023	317146	P	10028	WILL J CLEAVENGER	\$164.90	0	110123PP	MEDICARE PREMIUM/CLEAVENGER
11/01/2023	317147	P	10038	LARRY COUCH	\$164.90	0	110123PP	MEDICARE PREMIUM/COUCH
11/01/2023	317148	P	10166	JAMES J DEMYER	\$164.90	0	110123PP	MEDICARE PREMIUM/DEMYER
11/01/2023	317149	P	10048	DOUGLAS D DRIVER	\$164.90	0	110123PP	MEDICARE PREMIUM/DRIVER
11/01/2023	317150	P	10165	JOHN M GANLEY	\$164.90	0	110123PP	MEDICARE PREMIUM/GANLEY
11/01/2023	317151	P	12445	JAMES GREG GILL	\$164.90	0	110123PP	MEDICARE PREMIUM/GILL
11/01/2023	317152	P	31042	JAMES B GOULD	\$164.90	0	110123PP	MEDICARE PREMIUM/GOULD
11/01/2023	317153	P	10251	HIGGINS, FRED C	\$141.10	0	110123PP	MEDICARE PREMIUM/HIGGINS
11/01/2023	317154	P	10271	SCOTT K LARSON	\$164.90	0	110123PP	MEDICARE PREMIUM/LARSON
11/01/2023	317155	P	10156	DAVID L LEWIS	\$145.90	0	110123PP	MEDICARE PREMIUM/LEWIS
11/01/2023	317156	P	10164	ROBERT MOORE	\$164.90	0	110123PP	MEDICARE PREMIUM/MOORE
11/01/2023	317157	P	31512	JERALD S MORRELL	\$164.90	0	110123PP	MEDICARE PREMIUM/MORRELL
11/01/2023	317158	P	10117	DAVID W SPARKS	\$164.90	0	110123PP	MEDICARE PREMIUM/SPARKS
11/01/2023	317159	P	10119	WILLIAM TANNER	\$164.90	0	110123PP	MEDICARE PREMIUM/TANNER
11/01/2023	317160	P	10332	RANDAL L TAYLOR	\$164.90	0	110123PP	MEDICARE PREMIUM/TAYLOR
11/01/2023	317161	P	10163	GERALD D THOMAS	\$164.90	0	110123PP	MEDICARE PREMIUM/THOMAS
11/01/2023	317162	P	10800	ROY TURNER	\$164.90	0	110123PP	MEDICARE PREMIUM/TURNER
11/01/2023	317163	P	10151	GERALD ZIMMERMAN	\$164.90	0	110123PP	MEDICARE PREMIUM/ZIMMERMAN
11/03/2023	317164	P	10838	GRIGG ENTERPRISES INC	\$784.40	0	1103231	WINTER WONDERLAND 2023 SUPPLIE
11/03/2023	317165	P	31632	ADCOMM ENGINEERING LLC	\$3,172.75	0	1103231	RED MOUNTAIN SITE ENGINEERING
11/03/2023	317166	P	32309	ALL HANDS FIRE EQUIPMENT LLC	\$1,983.27	0	1103231	FD NEW ENGINE EQUIPMENT
11/03/2023	317167	P	10644	ANIXTER INC	\$31,244.69	0	1103231	DEVICES_UG
11/03/2023	317168	P	999009	AR REFUNDS	\$400.00	0	1103231	OVERPAYMENT ON AR CUSTOMER #10
11/03/2023	317169	P	999000	AUREF - Utility Customer Refunds	\$148.73	0	1103231	1942 MAHAN AVE
11/03/2023	317170	P	999000	AUREF - Utility Customer Refunds	\$6.04	0	1103231	259 CANYON RIM CT
11/03/2023	317171	P	999000	AUREF - Utility Customer Refunds	\$119.38	0	1103231	2665 KINGSGATE WAY Apt F162
11/03/2023	317172	P	999000	AUREF - Utility Customer Refunds	\$396.41	0	1103231	1912 GEORGE WASHINGTON WAY Apt
11/03/2023	317173	P	999000	AUREF - Utility Customer Refunds	\$219.43	0	1103231	423 SAILFISH CT

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/03/2023	317174	P	999000	AUREF - Utility Customer Refunds	\$178.26	0	1103231	15 NUCLEAR LN
11/03/2023	317175	P	999000	AUREF - Utility Customer Refunds	\$85.41	0	1103231	108 PATTON ST
11/03/2023	317176	P	999000	AUREF - Utility Customer Refunds	\$195.52	0	1103231	300 COLUMBIA POINT DR D301
11/03/2023	317177	P	999000	AUREF - Utility Customer Refunds	\$187.02	0	1103231	123 MAC ARTHUR ST
11/03/2023	317178	P	999000	AUREF - Utility Customer Refunds	\$137.87	0	1103231	330 SNYDER ST
11/03/2023	317179	P	999000	AUREF - Utility Customer Refunds	\$114.19	0	1103231	1850 STEVENS DR 127
11/03/2023	317180	P	999000	AUREF - Utility Customer Refunds	\$452.72	0	1103231	46 COMPTON LN
11/03/2023	317181	P	999000	AUREF - Utility Customer Refunds	\$211.51	0	1103231	1717 APRIL LOOP
11/03/2023	317182	P	999000	AUREF - Utility Customer Refunds	\$605.02	0	1103231	45 MERCURY DR
11/03/2023	317183	P	999000	AUREF - Utility Customer Refunds	\$66.70	0	1103231	1775 COLUMBIA PARK TRL 236
11/03/2023	317184	P	999000	AUREF - Utility Customer Refunds	\$246.89	0	1103231	2261 DAVISON AVE
11/03/2023	317185	P	999000	AUREF - Utility Customer Refunds	\$446.72	0	1103231	419 SHAW ST
11/03/2023	317186	P	999000	AUREF - Utility Customer Refunds	\$150.17	0	1103231	1308 KIMBALL AVE
11/03/2023	317187	P	11079	AUTOZONE STORES LLC	\$25.44	0	1103231	PARTS CLEANER VEH#2486 WO#7104
11/03/2023	317188	P	11126	B AND B TRAILERS LLC	\$516.33	0	1103231	REPLACE TARP VEH#4143 WO#70942
11/03/2023	317189	P	10301	BAVCO	\$147.18	0	1103231	HOWARD AMON - BACKFLOW REPAIR
11/03/2023	317190	P	10518	BEAVER BARK & ROCK	\$582.39	0	1103231	RPD - PARKING LOT RENO
11/03/2023	317191	P	10281	BENTON COUNTY	\$13,995.18	0	1103231	WORK CREW - PARKS SEPTEMBER
11/03/2023	317192	P	10008	BENTON PUD	\$652.35	0	1103231	BADGER/SILLUSI UTILITIES 09/23
11/03/2023	317193	P	10158	BENTON RURAL ELECTRIC ASSOCIATION	\$27.17	0	1103231	COLLINS RD RADIO TOWER 09/26-1
11/03/2023	317194	P	10018	BRODART INC	\$4,550.80	0	1103231	600 BOOKSLATS
11/03/2023	317195	P	11685	CARDINAL HEALTH 130, LLC	\$457.44	0	1103231	SALINE, KETAMINE, SODIUM CL
11/03/2023	317196	P	10036	CASADAY BEE-LINE SERVICE & TOWING LLC	\$122.02	0	1103231	THRUST ALIGNMENT VEH#3354 WO#7
11/03/2023	317197	P	10026	CASCADE NATURAL GAS CORP	\$4,326.90	0	1103231	CITY HALL - GAS BILL - OCTOBER
11/03/2023	317198	P	10597	CHARTER COMMUNICATIONS	\$147.65	0	1103231	CABLE SERVICES 10/30-11/29/23
11/03/2023	317199	P	10055	CITY OF PASCO	\$817.70	0	1103231	Q3 2023 HOME CONSORTIUM REIMB
11/03/2023	317200	P	10261	CITY OF RICHLAND	\$1,865.00	0	1103231	SEPA REVIEW & SHORELINE TEXT A
11/03/2023	317201	P	10261	CITY OF RICHLAND	\$240.00	0	1103231	MARIA PLISHCUK - MCMURRAY GARD
11/03/2023	317202	P	10261	CITY OF RICHLAND	\$432.00	0	1103231	23-278 FLORENCE ICMA CONF, AUS
11/03/2023	317203	P	10429	CODE PUBLISHING INC	\$255.45	0	1103231	MUNICIPAL CODE - WEB UPDATE
11/03/2023	317204	P	11516	COLEMAN OIL COMPANY	\$41,535.57	0	1103231	WEEKLY CARD GAS RESALE 10/23 -
11/03/2023	317205	P	10031	COLUMBIA BASIN COLLEGE	\$5,533.36	0	1103231	2023 FALL TUITION GARRISON, GR
11/03/2023	317206	P	11205	CONCRETE SPECIAL TIES INC	\$722.03	0	1103231	SOUTH YARD - HOMELESS STORAGE

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/03/2023	317207	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$681.00	0	1103231	LIBRARY - LIGHT RELAYS
11/03/2023	317208	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$866.34	0	1103231	RCC - LIGHTS
11/03/2023	317209	P	11526	CORWIN OF PASCO LLC	\$283.14	0	1103231	CARGO NET VEH#2511 WO#71098
11/03/2023	317210	P	11663	D&D TELECOMMUNICATION PROPERTIES LLC	\$752.24	0	1103231	NOVEMBER 2023 - INSPIRATION PO
11/03/2023	317211	P	31562	KATHY DEE	\$527.80	0	1103231	OCTOBER CLASSE 9611
11/03/2023	317212	P	30214	ELITE CONSTRUCTION	\$10,203.08	0	1103231	RICHLAND LIBRARY STEAM SPACE C
11/03/2023	317213	P	11533	ENTERPRISE SALES INC	\$13,546.19	0	1103231	8 YARD FRONT LOAD CONTAINERS
11/03/2023	317214	P	11044	EWING IRRIGATION PRODUCTS INC	\$1,252.24	0	1103231	Winter Wonderland Lights
11/03/2023	317215	P	30366	US ARMY CORP OF ENGINEERS, WALLA WALLA DISTRICT	\$11,800.00	0	1103231	WSU Riverfront Trail Pathway R
11/03/2023	317216	P	10315	FERGUSON US HOLDINGS INC	\$92.64	0	1103231	COLUMBIA PARK W - PLUMBING PAR
11/03/2023	317217	P	30874	BRENT THOMAS	\$108.70	0	1103231	HORN RAPIDS - STORAGE UNIT - O
11/03/2023	317218	P	30374	ANDREW C FLORENCE	\$78.00	0	1103231	23-278 FLORENCE ICMA CONF, AUS
11/03/2023	317219	P	31564	FNS COLLISION GROUP INC	\$2,337.05	0	1103231	SPRAY ON LINER VEH#3356 WO#710
11/03/2023	317220	P	31564	FNS COLLISION GROUP INC	\$7,324.71	0	1103231	BODY REPAIR VEH#2439 WO#70979
11/03/2023	317221	P	32135	BUSINESS INTERIORS OF IDAHO	\$4,410.54	0	1103231	FRONT DESK FILING CABINET
11/03/2023	317222	P	11157	FRONTIER COMMUNICATIONS NORTHWEST, INC.	\$5,088.95	0	1103231	TELEPHONE CHARGES 10/19/23-11/
11/03/2023	317223	P	10050	GENERAL PACIFIC INC	\$798.84	0	1103231	CONNECTORS_E4
11/03/2023	317224	P	30035	GN NORTHERN INC	\$1,761.64	0	1103231	Material Testing & Comp Testin
11/03/2023	317225	P	10291	JOB'S NURSERY LLC	\$65.22	0	1103231	CODY - TREE LOCKS
11/03/2023	317226	P	31660	KELLEY CONNECT CO	\$30.89	0	1103231	OCT COLOR COPIER CHARGES FOR P
11/03/2023	317227	P	11667	KENWORTH SALES COMPANY	\$2,562.11	0	1103231	ADJUST BRAKES VEH#3363 WO#7095
11/03/2023	317228	P	11146	KIM FETROW	\$7,282.90	0	1103231	PROFESSIONAL PHOTOGRAPHY
11/03/2023	317229	P	30076	DARREN LARPENTEUR	\$860.00	0	1103231	REIMB LARPENTEUR FIRE OFC 1 FI
11/03/2023	317230	P	10073	LAYNE OF WASHINGTON INC	\$12,929.70	0	1103231	REPLACE GEORGE PROUT POOL PUMP
11/03/2023	317231	P	10262	LIFE ASSIST INC	\$3,482.77	0	1103231	NEBULIZER TO BAG MASK, CUFFED
11/03/2023	317232	P	10298	LN CURTIS & SONS	\$568.93	0	1103231	E6052/E5063 EQUIPMENT
11/03/2023	317233	P	32092	LOOMIS ARMORED US LLC	\$582.00	0	1103231	ARMORED CAR SERVICE OCTOBER 20
11/03/2023	317234	P	31741	DAWN MACDONALD	\$378.00	0	1103231	AUGUST CLASS 9381
11/03/2023	317235	P	10624	MACKAY SPOSITO INC	\$23,401.47	0	1103231	Horn Rapids Master Plan Update
11/03/2023	317236	P	11428	MIGHTY JOHNS PORTABLE TOILET & SEPTIC SERVICE INC	\$208.00	0	1103231	Geocoin Challenge 2023
11/03/2023	317237	P	10660	MILNE NAIL, POWER TOOL & REPAIR	\$435.59	0	1103231	TADD - CORDLESS SNAKE KIT
11/03/2023	317238	P	31116	BAS INC	\$12.73	0	1103231	MOUNTED POSTERS - PUBLIC PORTA

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/03/2023	317239	P	10083	MONARCH MACHINE & TOOL CO INC	\$5,953.75	0	1103231	Howard Amon Dock Repairs, Cont
11/03/2023	317240	P	10358	MOON SECURITY SERVICES INC	\$960.64	0	1103231	WWTF BURGLARY & FIRE NOV '23
11/03/2023	317241	P	30246	GILBERT MORRIS	\$141.04	0	1103231	MORRIS- BOOTS
11/03/2023	317242	P	31674	P&F AUTOMOTIVE WAREHOUSE INC	\$705.90	0	1103231	SHOP TOOLS PRO TORCH
11/03/2023	317243	P	30273	NORTHWEST EQUIPMENT SALES, INC	\$1,685.11	0	1103231	FILTERS VEH#3383 WO#71039
11/03/2023	317244	P	11561	ON SCENE MEDICAL SERVICES, P.C.	\$1,124.00	0	1103231	ANGLESEY FLU VACC, MILLER HAZM
11/03/2023	317245	P	11132	WALLA WATER INC	\$3,499.09	0	1103231	2023 City-wide Overhead Door M
11/03/2023	317246	P	10357	OXARC INC	\$159.41	0	1103231	RPD CYLINDER RENTAL
11/03/2023	317247	P	11436	TYLER J MAKEEFF	\$845.00	0	1103231	ALL FACILITIES-BACKFLOW TESTS
11/03/2023	317248	P	31206	CI - PW LLC	\$394.94	0	1103231	BOTTLED WATER DELIVERY QTY 24
11/03/2023	317249	P	999002	PERMIT REFUND	\$13,576.00	0	1103231	Refund Water meter Permit
11/03/2023	317250	P	999002	PERMIT REFUND	\$1,200.00	0	1103231	Water Tap & AC Replacement
11/03/2023	317251	P	12238	REXEL USA, INC	\$440.24	0	1103231	DEVICES_UG
11/03/2023	317252	P	10102	PASCO RANCH AND HOME INC	\$326.09	0	1103231	JOSH CROSHAW EMS DAY BOOTS
11/03/2023	317253	P	10308	RED DOOR PARTY RENTALS LLC	\$134.79	0	1103231	RPD PROMOTION CEREMONY TABLES/
11/03/2023	317254	P	10647	RIVER CITY TOWING INC	\$97.84	0	1103231	RPD TOW CHARGE
11/03/2023	317255	P	10239	CLEARWATER TECH LLC	\$478.28	0	1103231	2023 City-wide Plumbing Servic
11/03/2023	317256	P	11005	DANA CAMARENA	\$4,134.20	0	1103231	OCTOBER CLASSES 9747, 9683, 96
11/03/2023	317257	P	11216	SKONE IRRIGATION INC	\$11,270.94	0	1103231	2023 CENTER PIVOT REPLACEMENT,
11/03/2023	317258	P	10440	SOLID WASTE SYSTEMS INC	\$81.53	0	1103231	SENSOR, PROXY VEH#3336 WO#7105
11/03/2023	317259	P	31817	SPEAKWRITE LLC	\$432.10	0	1103231	RPD TRANSCRIPTION SERVICES OCT
11/03/2023	317260	P	10536	SPRAGUE PEST SOLUTIONS	\$1,230.85	0	1103231	LIBRARY - PEST CONTROL
11/03/2023	317261	P	10359	US LINEN & UNIFORM	\$181.81	0	1103231	PANCAKES & PRIORITIES APPAREL
11/03/2023	317262	P	12430	SYSTEMS DESIGN WEST LLC	\$8,295.06	0	1103231	EMS BILLING - AUGUST
11/03/2023	317263	P	11406	SOLUTIONS INC	\$190.23	0	1103231	RPD RECORDS SEARCH OCT 2023
11/03/2023	317264	P	11831	TRI CITIES MONITORING, INC	\$1,050.00	0	1103231	Event Security - Cruizin Car S
11/03/2023	317265	P	10106	US LINEN & UNIFORM	\$468.01	0	1103231	FLEET WEEKLY UNIFORMS
11/03/2023	317266	P	11802	TRI CITIES VISITOR & CONVENTION BUREAU	\$180.00	0	1103231	2023 Annual Meeting Luncheon T
11/03/2023	317267	P	10059	WESTERN STATES EQUIPMENT COMPANY	\$176.24	0	1103231	FITTINGS VEH#3390 WO#70668
11/03/2023	317268	P	10194	XEROX CORPORATION	\$724.02	0	1103231	RCC SEPTEMBER 2023
11/03/2023	317269	P	12483	ZOLL MEDICAL SUPPLY	\$2,359.98	0	1103231	RESQPOD ITD 10 X15, THERMAL PA
11/08/2023	317270	P	10838	GRIGG ENTERPRISES INC	\$271.87	0	1108231	Fasteners
11/08/2023	317271	P	32095	MIZAE ACEVEDO	\$252.83	0	1108231	23-317 ACEVEDO ICC BUILDING CO

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/08/2023	317272	P	30949	JOSE AGUILERA	\$1,719.54	0	1108231	2037 Newcomer Ave/Rebate/Solar
11/08/2023	317273	P	10459	ALLSTAR CONSTRUCTION GROUP INC	\$1,500.00	0	1108231	HYDRANT METER REFUND #325
11/08/2023	317274	P	30296	ANDERSON, JAMES	\$1,804.80	0	1108231	1609 Judson ave/Rebate/Solar-I
11/08/2023	317275	P	10644	ANIXTER INC	\$30,433.33	0	1108231	DEVICES_UG
11/08/2023	317276	P	11634	APGN INC	\$27,859.81	0	1108231	NX300-C100 BLOWER CORE EXCHANG
11/08/2023	317277	P	30303	DAVID ARNOLD	\$1,834.40	0	1108231	70 Hodges Court/Rebate/Solar-I
11/08/2023	317278	P	31996	JEREMY ATWOOD	\$90.39	0	1108231	23-360 ATWOOD WORJIC MEETING P
11/08/2023	317279	P	31432	ALEJANDRA BALDY	\$1,398.08	0	1108231	2124 Anna Ave/Rebate/Solar-ICR
11/08/2023	317280	P	30951	MARK BALLANTYNE	\$949.68	0	1108231	2679 Eaglewatch Lp/Rebate/Sola
11/08/2023	317281	P	30320	BRADY BALLARD	\$3,371.34	0	1108231	673 Nuvola Vista Ct/Rebate/Sol
11/08/2023	317282	P	30952	FORCE BANEY	\$1,769.94	0	1108231	1541 Meriwether Ave/Rebate/Sol
11/08/2023	317283	P	30953	SARA BARRON	\$969.48	0	1108231	116 Thayer Dr/Rebate/Solar-ICR
11/08/2023	317284	P	10518	BEAVER BARK & ROCK	\$691.20	0	1108231	LESLIE GROVES - DIRT FILL
11/08/2023	317285	P	30954	JAMES BECK	\$1,432.26	0	1108231	2361 Coppertree Ct/Rebate/Sola
11/08/2023	317286	P	30955	PETER BENGSTON	\$1,474.38	0	1108231	1316 Rathwood Ave/Rebate/Solar
11/08/2023	317287	P	31109	BENTON CONSERVATION DISTRICT	\$1,415.82	0	1108231	C11-20 SALMON POWER PROGRAM IL
11/08/2023	317288	P	10008	BENTON PUD	\$5,885.66	0	1108231	C-SC157A PRE-NOTIFICATION SERV
11/08/2023	317289	P	30334	PAUL BERTHELOT	\$1,067.20	0	1108231	1764 Bolleana Ave/Rebate/Solar
11/08/2023	317290	P	10923	BIG D'S CONSTRUCTION OF TRI CITIES LLC	\$347,395.00	0	1108231	Badger MTN Park - N Parking Lo
11/08/2023	317291	P	32310	BITS SMART STRIP LLC	\$16,468.05	0	1108231	10 NEST Thermostats
11/08/2023	317292	P	31367	CHRIS BONEBRAKE	\$1,688.76	0	1108231	1434 Purple Sage St/Rebate/Sol
11/08/2023	317293	P	30956	DANA BOWERS	\$510.30	0	1108231	444 Liberty Ln/Rebate/Solar-IC
11/08/2023	317294	P	12320	BUILDERS FIRSTSOURCE, INC	\$353.28	0	1108231	C STOCK MISC. (WOOD STAKES)
11/08/2023	317295	P	30958	DONNA BUSCHE	\$2,738.08	0	1108231	1045 Shockley Rd/Rebate/Solar-
11/08/2023	317296	P	11356	C & E TRENCHING LLC	\$61,992.58	0	1108231	Wastewater Effluent Flow & Sam
11/08/2023	317297	P	31841	CAMPBELL & COMPANY SERVICE CORPORATION	\$200.00	0	1108231	1325 Brentwood - Simunds - HP
11/08/2023	317298	P	31230	CARASOFT TECHNOLOGY CORPORATION	\$7,740.38	0	1108231	SR-27, 2023 Zoom Subscription
11/08/2023	317299	P	30960	AUTUMN CHAMBERLIN	\$2,016.90	0	1108231	505 Barth Ave/Rebate/Solar-ICR
11/08/2023	317300	P	31634	KRYSTAL CHESTER	\$592.62	0	1108231	2743 Chelan Loop/Rebate/Solar-
11/08/2023	317301	P	10072	CITY OF KENNEWICK	\$2,840.75	0	1108231	HOME DPA Q3
11/08/2023	317302	P	10261	CITY OF RICHLAND	\$3,984.31	0	1108231	23-226 STANLEY PUBLIC SAFETY C
11/08/2023	317303	P	10261	CITY OF RICHLAND	\$13,574.25	0	1108231	2334 Greenbrook - Simone - WIN
11/08/2023	317304	P	999015	CITY OF RICHLAND HYDRANTS	\$31.70	0	1108231	CLIFF THORN HYDRANT METER REFU

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/08/2023	317305	P	30717	DAVID CLARK	\$1,083.84	0	1108231	2642 Eagle Watch Loop/Rebate/S
11/08/2023	317306	P	30722	CLIFF THORN CONSTRUCTION	\$1,438.30	0	1108231	HYDRANT METER REFUND #342
11/08/2023	317307	P	11516	COLEMAN OIL COMPANY	\$13,647.23	0	1108231	WEEKLY CARD LOCK FUEL 10/30 -
11/08/2023	317308	P	11907	SYCURE CORP	\$300.00	0	1108231	100Mbps Fiber Back Haul VPN No
11/08/2023	317309	P	30961	BRIAN CONKLIN	\$722.16	0	1108231	607 Cascade St/Rebate/Solar-IC
11/08/2023	317310	P	999014	CONSERVATION REBATES	\$5,360.00	0	1108231	930 Aaron - Tower of Pentecost
11/08/2023	317311	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$8,948.45	0	1108231	COLUMBIA PT - DOCK PED REPAIR
11/08/2023	317312	P	32239	CORNER KICK LANDSCAPING LLC	\$395.00	0	1108231	Repair Damaged Retaining Wall
11/08/2023	317313	P	11444	CORPORATE TRANSLATION SERVICES	\$478.59	0	1108231	TRANSLATION SERVICES 10/01-10/
11/08/2023	317314	P	32005	KARLEENA CORTEZ	\$2,151.66	0	1108231	911 Downing St/Rebate/Solar-IC
11/08/2023	317315	P	30963	CARY COUNTS	\$2,245.50	0	1108231	2305 Greenbrook Blvd/Rebate/So
11/08/2023	317316	P	11486	COYOTE RIDGE CORRECTIONS CENTER	\$647.77	0	1108231	Landfill Clean Up Crew Oct 202
11/08/2023	317317	P	30964	ALICIA CULLISON	\$2,433.24	0	1108231	1523 Purple Sage St/Rebate/Sol
11/08/2023	317318	P	30965	DON CURET	\$1,727.28	0	1108231	30 Vienna Court/Rebate/Solar-I
11/08/2023	317319	P	30176	RICHARD DAVIS	\$1,066.56	0	1108231	4367 Jasper St/Rebate/Solar-IC
11/08/2023	317320	P	11445	DAY MANAGEMENT CORPORATION	\$350.08	0	1108231	GROUNDING REPLACEMENT - GOLGOT
11/08/2023	317321	P	10756	DELL MARKETING LP	\$5,153.33	0	1108231	A-1587, Dell - AIO PCs for Lib
11/08/2023	317322	P	30181	JOSHUA DELUNA	\$1,102.24	0	1108231	1415 Cimarron Ave/Rebate/Solar
11/08/2023	317323	P	31557	BELEN DIAZ	\$7.84	0	1108231	Mileage from Landfill Oct 2023
11/08/2023	317324	P	30210	JUNE EHLERT	\$1,418.24	0	1108231	2025 Cascade Ave/Rebate/Solar-
11/08/2023	317325	P	30212	ALEX EKSTROM	\$2,127.68	0	1108231	2320 Benton Avenue/Rebate/Sola
11/08/2023	317326	P	30967	MICHAEL ELLER	\$2,293.74	0	1108231	2701 Van Giesen St/Rebate/Sola
11/08/2023	317327	P	30968	J EDWARD ELLIS	\$2,116.10	0	1108231	77 Cottonwood Dr/Rebate/Solar-
11/08/2023	317328	P	30356	JOHN T CLARY	\$350.00	0	1108231	POLYGRAPH SERVICES
11/08/2023	317329	P	10268	FEDERAL EXPRESS CORP	\$10.46	0	1108231	PRETRTMNT SAMPLING COOLER RETU
11/08/2023	317330	P	10315	FERGUSON US HOLDINGS INC	\$99.08	0	1108231	STATION 73 - PLUMBING PARTS
11/08/2023	317331	P	30874	BRENT THOMAS	\$108.70	0	1108231	HORN RAPIDS - STORAGE UNIT - N
11/08/2023	317332	P	31764	FIBER MARKETING INTERNATIONAL INC	\$30.97	0	1108231	CODY - HATCHET
11/08/2023	317333	P	32312	DEBRA FOLGER	\$2,656.64	0	1108231	2800 Hawkstone Ct/Rebate/Solar
11/08/2023	317334	P	11157	FRONTIER COMMUNICATIONS NORTHWEST, INC.	\$1,011.52	0	1108231	11/23 TELEPHONE CHARGES
11/08/2023	317335	P	30969	JASON FULLER	\$2,202.48	0	1108231	2009 ORCHARD WAY/Rebate/Solar-
11/08/2023	317336	P	32166	GAMACHE MAINTENANCE LLC	\$720.68	0	1108231	October CPMA Maintenance
11/08/2023	317337	P	31369	BELINDA GARNER	\$3,032.10	0	1108231	3058 Bruce Lee Ln/Rebate/Solar

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/08/2023	317338	P	30391	TIMOTHY GARVIN	\$1,155.21	0	1108231	1114 Cedar Ave/Rebate/Solar-IC
11/08/2023	317339	P	30392	GORICA GARVRIC	\$2,898.42	0	1108231	3126 River Park Dr/Rebate/Sola
11/08/2023	317340	P	31715	GENERAL PACIFIC INC	\$15,978.90	0	1108231	9 NEST Thermostats
11/08/2023	317341	P	30971	KEVIN GEORGE	\$1,821.96	0	1108231	726 Saint St/Rebate/Solar-ICR
11/08/2023	317342	P	30973	BEAU GOEHRING	\$997.20	0	1108231	906 Cedar Ave/Rebate/Solar-ICR
11/08/2023	317343	P	31635	JASMINE GONZALES	\$1,685.04	0	1108231	126 Orchard Court/Rebate/Solar
11/08/2023	317344	P	10011	BENTON FRANKLIN WALLA WALLA GOOD ROADS AND	\$50.00	0	1108231	Legislative Tour Dinner PRogal
11/08/2023	317345	P	30974	ALAN GOTTSCHALK	\$249.48	0	1108231	1614 Molly Marie Ave/Rebate/So
11/08/2023	317346	P	10203	W.W. GRAINGER, INC	\$3,076.54	0	1108231	WASTE CONNECTOR - PLUMBING SUP
11/08/2023	317347	P	30414	BILL GREEN	\$1,831.04	0	1108231	424 Shoreline Court/Rebate/Sol
11/08/2023	317348	P	30977	WAYNE GUYMON	\$2,144.70	0	1108231	582 Camy Street/Rebate/Solar-I
11/08/2023	317349	P	11162	JIM & ROBERTA GUZEK	\$1,287.44	0	1108231	1142 Foxtrot Lane/Rebate/Solar
11/08/2023	317350	P	30978	JENIFER HALER	\$2,146.86	0	1108231	1860 McMurray Ave/Rebate/Solar
11/08/2023	317351	P	30980	BJORN HEDGES	\$3,257.52	0	1108231	1237 Country Ridge Dr/Rebate/S
11/08/2023	317352	P	30981	MOTLEY HEDGES	\$1,222.56	0	1108231	1821 Thayer Dr/Rebate/Solar-IC
11/08/2023	317353	P	30982	PAUL HEDGES	\$1,374.84	0	1108231	1114 Wright Ave/Rebate/Solar-I
11/08/2023	317354	P	30983	DARRELL HENN	\$2,622.60	0	1108231	653 Tanglewood Dr/Rebate/Solar
11/08/2023	317355	P	11813	HERC RENTALS INC	\$7,862.55	0	1108231	TELEHANDLER - JOHN DAM - WWL
11/08/2023	317356	P	30984	DAVID HODAS	\$2,519.64	0	1108231	516 Melissa St/Rebate/Solar-IC
11/08/2023	317357	P	30545	GILBERT HOFFMAN	\$2,687.16	0	1108231	303 Lakeview Court/Rebate/Sola
11/08/2023	317358	P	10294	HORIZON DISTRIBUTION INC	\$500.02	0	1108231	HORIZON MISC SUPPLIES
11/08/2023	317359	P	11912	INTERMECH	\$1,470.00	0	1108231	HYDRANT METER REFUND #388
11/08/2023	317360	P	10037	IW INTERNATIONAL INSULATION INC	\$454.48	0	1108231	609 Milwood - Hicks - INS Reba
11/08/2023	317361	P	30005	INTERWEST TECHNOLOGY SYSTEMS INC	\$6,268.71	0	1108231	RPD Evidence Storage Security
11/08/2023	317362	P	32064	IRON HORSE LLC	\$1,470.00	0	1108231	HYDRANT METER REFUND #358
11/08/2023	317363	P	30985	KEVIN JACKSON	\$1,641.96	0	1108231	1728 Hoxie Ave/Rebate/Solar-IC
11/08/2023	317364	P	10063	JACOBS & RHODES INC	\$400.00	0	1108231	217 Pinetree - Schmidt - HP Re
11/08/2023	317365	P	32323	JAMMIES ENVIRONMENTAL INC	\$1,466.60	0	1108231	HYDRANT METER REFUND #375
11/08/2023	317366	P	10755	MID COLUMBIA CONSTRUCTION INC DBA	\$105.98	0	1108231	SPRINKLER WINTERIZATION
11/08/2023	317367	P	30577	ALTA JONES	\$1,226.19	0	1108231	1591 Meadow Hills Dr/Rebate/So
11/08/2023	317368	P	31056	JUSTIN KELLER	\$1,580.22	0	1108231	1309 Torbett St/Rebate/Solar-I
11/08/2023	317369	P	31660	KELLEY CONNECT CO	\$458.56	0	1108231	XEROX/XERC8155/H2 #KC31628 9/3
11/08/2023	317370	P	31378	SOUTHWEST ANSWERING SERVICE INC	\$195.48	0	1108231	On Call Services Oct 2023

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/08/2023	317371	P	12188	KENNEWICK IRRIGATION DISTRICT	\$1,450.45	0	1108231	HYDRANT METER REFUND #334
11/08/2023	317372	P	30986	EVAN KOGAN	\$2,716.56	0	1108231	2314 Benton Avenue/Rebate/Sola
11/08/2023	317373	P	30987	DAVID LAKE	\$2,077.74	0	1108231	214 Douglass Ave/Rebate/Solar-
11/08/2023	317374	P	31647	LAMPSON INTERNATIONAL	\$1,271.95	0	1108231	HYDRANT METER REFUND #351
11/08/2023	317375	P	10432	LANGUAGE LINE SERVICES INC	\$1,505.41	0	1108231	TRANSLATION SERVICES 10/01-10/
11/08/2023	317376	P	30988	CHARLES LEE	\$2,890.80	0	1108231	376 Temple Meadow Lane/Rebate/
11/08/2023	317377	P	30989	MORRIS LEGLER	\$2,463.12	0	1108231	474 Palm Dr/Rebate/Solar-ICR
11/08/2023	317378	P	30771	ANTHONY LURENZ	\$1,738.52	0	1108231	1939 McMurray Ave/Rebate/Solar
11/08/2023	317379	P	30990	ELODY MACKEY	\$2,114.46	0	1108231	2001 Everest Ave/Rebate/Solar-
11/08/2023	317380	P	31636	KARA MARTIN	\$2,787.66	0	1108231	2730 Sawgrass Lp/Rebate/Solar-
11/08/2023	317381	P	30795	MARK MCALLISTER	\$3,247.03	0	1108231	496 Heritage Hills Drive/Rebat
11/08/2023	317382	P	10316	MCDONALD & ASSOCIATES INC	\$720.00	0	1108231	HYDRANT METER REFUND #333
11/08/2023	317383	P	30992	JOHN MCDONALD	\$2,166.48	0	1108231	404 Abbot St/Rebate/Solar-ICR
11/08/2023	317384	P	30993	CHRISTINA MCELROY	\$2,258.28	0	1108231	506 Oahu St/Rebate/Solar-ICR
11/08/2023	317385	P	30994	KEN MEAD	\$3,545.64	0	1108231	4608 Vineyard Estates Ln/Rebat
11/08/2023	317386	P	30995	ERIC MELBY	\$967.84	0	1108231	329 Tieton Street/Rebate/Solar
11/08/2023	317387	P	11428	MIGHTY JOHNS PORTABLE TOILET & SEPTIC SERVICE INC	\$3,739.00	0	1108231	GOETHALS PARK - PORT-A-POTTY R
11/08/2023	317388	P	30996	ANDREW MILEHAM	\$1,604.26	0	1108231	2989 Redrock Ridge loop/Rebate
11/08/2023	317389	P	10660	MILNE NAIL, POWER TOOL & REPAIR	\$247.17	0	1108231	SAFETY - FALL PROTECTION PARTS
11/08/2023	317390	P	11040	FRANK MITCHELL	\$23.52	0	1108231	Mileage from Landfill Oct 2023
11/08/2023	317391	P	30241	STAN MOON	\$1,916.32	0	1108231	514 Franklin Street/Rebate/Sol
11/08/2023	317392	P	30997	ELIZABETH MORRIS	\$2,446.20	0	1108231	3081 Deserthawk Loop/Rebate/So
11/08/2023	317393	P	30247	SARAH MORRISSEY	\$2,205.92	0	1108231	4479 Highview St/Rebate/Solar-
11/08/2023	317394	P	30880	MSA SAFETY INCORPORATED	\$660.00	0	1108231	SR-97 Safety io Fleet Manager
11/08/2023	317395	P	31674	P&F AUTOMOTIVE WAREHOUSE INC	\$575.34	0	1108231	SOLENOID VEH#1212 WO#71097
11/08/2023	317396	P	31505	SPORTSENGINE INC	\$185.00	0	1108231	BACKGROUND CHECKS - CUSTOMER S
11/08/2023	317397	P	30272	CLEAN CONCEPTS GROUP, INC	\$267.77	0	1108231	SMALL EQUIP REPAIR - PRESSURE
11/08/2023	317398	P	30998	KHRIS OLSEN	\$2,014.38	0	1108231	3169 Red Hawk Drive/Rebate/Sol
11/08/2023	317399	P	30999	MARV OLSON	\$1,963.62	0	1108231	1244 Adair Dr/Rebate/Solar-ICR
11/08/2023	317400	P	30287	MOHAMED OSMAN	\$1,595.84	0	1108231	441 Aimee Dr/Rebate/Solar-ICR
11/08/2023	317401	P	30290	ROGEN OVINK	\$2,100.96	0	1108231	38 Vista Court/Rebate/Solar-IC
11/08/2023	317402	P	10357	OXARC INC	\$9.41	0	1108231	Cylinder Rental Oct 2023
11/08/2023	317403	P	31206	CI - PW LLC	\$73.84	0	1108231	Water for energy services

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/08/2023	317404	P	10971	PARAMOUNT COMMUNICATIONS INC	\$57,339.47	0	1108231	HRR Fiber Replacement, Contrac
11/08/2023	317405	P	10232	PERFECTION GLASS INC	\$29,933.26	0	1108231	2334 Greenbrook - Simone 1 of
11/08/2023	317406	P	31798	PERFORMANCE SYSTEMS INTEGRATION LLC	\$290.59	0	1108231	RCC - ANNUAL FIRE EXTINGUISHER
11/08/2023	317407	P	31002	PAMELA PHELPS	\$3,076.08	0	1108231	2035 Newcomer Ave/Rebate/Solar
11/08/2023	317408	P	32268	PLATINUM INSPECTION SERVICES LLC	\$575.00	0	1108231	Platinum Inspection Services C
11/08/2023	317409	P	12238	REXEL USA, INC	\$107.80	0	1108231	CIRCUIT BRKR FOR WW EFFLUENT S
11/08/2023	317410	P	10828	PIPE OF WASHINGTON	\$4,891.48	0	1108231	Horn Rapids BPS - 20-23
11/08/2023	317411	P	11721	PREMIER EXCAVATION	\$1,500.00	0	1108231	HYDRANT METER REFUND #375
11/08/2023	317412	P	31210	LEPS-PSS, PLLC	\$1,500.00	0	1108231	SUITABILITY ASSESSMENT (SAR):
11/08/2023	317413	P	10724	PUBLIC SAFETY TESTING INC	\$297.00	0	1108231	ENTRY LEVEL POLICE RECRUITMENT
11/08/2023	317414	P	32321	FORMEC	\$15,000.00	0	1108231	2023 FALL CLASSIC - Red Mounta
11/08/2023	317415	P	11012	RH2 ENGINEERING INC	\$479.39	0	1108231	Horn Rapids Irrigation Booster
11/08/2023	317416	P	31005	LANCE RINIKER	\$947.34	0	1108231	4306 Limestone Ct/Rebate/Solar
11/08/2023	317417	P	31007	ANTHONY RODRIGUEZ	\$1,873.44	0	1108231	1014 Cedar Ave/Rebate/Solar-IC
11/08/2023	317418	P	30498	CHANDRA ROMEL	\$1,362.88	0	1108231	1634 Davison Ave/Rebate/Solar-
11/08/2023	317419	P	30589	HOMEPLATE P&J LLC	\$1,820.73	0	1108231	2023 City-Wide Roof Services (
11/08/2023	317420	P	31371	AARON R SAMPSON	\$1,425.27	0	1108231	415 Shoreline Ct/Rebate/Solar-
11/08/2023	317421	P	31010	MICHAEL SANDERS	\$1,069.46	0	1108231	1511 Jones Rd/Rebate/Solar-ICR
11/08/2023	317422	P	31011	KANDICE SCHULTZ	\$3,107.52	0	1108231	825 Meadows Drive South/Rebate
11/08/2023	317423	P	31012	ANNE SCHUR	\$1,648.44	0	1108231	76 Whitten St/Rebate/Solar-ICR
11/08/2023	317424	P	10280	SHERWIN WILLIAMS CO	\$41.02	0	1108231	Paint Landfill
11/08/2023	317425	P	32006	HONGHONG SHI	\$2,222.40	0	1108231	1209 Kensington Way/Rebate/Sol
11/08/2023	317426	P	30620	EDWARD SICILIANO	\$1,055.84	0	1108231	191 Oregon St/Rebate/Solar-ICR
11/08/2023	317427	P	32069	FELICIA SIEFKEN	\$407.41	0	1108231	SIEFKEN - MILEAGE REIMBURSEMEN
11/08/2023	317428	P	30622	DANIEL SIGG	\$2,009.12	0	1108231	2275 Camilla Ave/Rebate/Solar-
11/08/2023	317429	P	31013	SCOTT SINTAY	\$1,570.50	0	1108231	368 Temple Meadow Ln/Rebate/So
11/08/2023	317430	P	31014	PAUL SKARE	\$2,049.30	0	1108231	130 Hillview Dr/Rebate/Solar-I
11/08/2023	317431	P	10253	SMITH INSULATION INC	\$1,954.80	0	1108231	312 Pinetree - Grant - INS Reb
11/08/2023	317432	P	32004	JENNIFER SMITH	\$2,372.58	0	1108231	1901 Williams Blvd/Rebate/Sola
11/08/2023	317433	P	10536	SPRAGUE PEST SOLUTIONS	\$1,044.27	0	1108231	(M) COMMERCIAL GENERAL PEST WW
11/08/2023	317434	P	30644	GWEN STANLEY	\$73.68	0	1108231	23-226 STANLEY PUBLIC SAFETY C
11/08/2023	317435	P	30645	HARRY STAVEN	\$1,305.99	0	1108231	1419 Wright Ave/Rebate/Solar-I
11/08/2023	317436	P	30649	MICHAEL STEVENS	\$3,135.30	0	1108231	1193 Tomich Ave/Rebate/Solar-I

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/08/2023	317437	P	30653	RACHEL STEWART	\$1,551.84	0	1108231	1034 Wright Avenue/Rebate/Sola
11/08/2023	317438	P	31606	TAPANI INC	\$1,470.00	0	1108231	HYDRANT METER REFUND #316
11/08/2023	317439	P	11793	DAVID TEMPLETON	\$2,166.99	0	1108231	1840 Norwood Court/Rebate/Sola
11/08/2023	317440	P	11108	THE PERSONAL TOUCH CLEANING INC	\$23,359.79	0	1108231	SHOPS 100 - JANITORIAL - OCTOB
11/08/2023	317441	P	10481	WEST PUBLISHING CORPORATION	\$2,472.95	0	1108231	ONLINE/SOFTWARE SUBSCRIPTION C
11/08/2023	317442	P	31017	MYCHAILO TOLOCZKO	\$2,093.07	0	1108231	1308 Haupt Ave/Rebate/Solar-IC
11/08/2023	317443	P	10187	TRANS UNION LLC	\$70.66	0	1108231	Basic Service - Credit Reporti
11/08/2023	317444	P	12160	TYLER TECHNOLOGIES, INC	\$6,533.57	0	1108231	EnerGov per Contract 184-17 Am
11/08/2023	317445	P	10202	NORTHWEST ONE CALL SUBSURFACE WARNING SYSTEM	\$387.00	0	1108231	Locating Services Oct 2023
11/08/2023	317446	P	30830	JAMES UTZ	\$2,270.88	0	1108231	1460 Tuscany PL/Rebate/Solar-I
11/08/2023	317447	P	31759	OVIVO USA LLC	\$358.62	0	1108231	SCUM SKIMMER BLADES FOR WWTP C
11/08/2023	317448	P	10860	VERIZON COMMUNICATIONS INC	\$20,417.18	0	1108231	Verizon Fire Lifepacks Oct 202
11/08/2023	317449	P	30835	EUGENE WALLACE	\$2,565.15	0	1108231	1509 Butternut Ave/Rebate/Sola
11/08/2023	317450	P	10430	WASHINGTON CITIES INSURANCE AUTHORITY	\$60.00	0	1108231	DESCHANE 9-27-23 TRAINING NO S
11/08/2023	317451	P	12127	WATTS CONSTRUCTION INC	\$1,500.00	0	1108231	HYDRANT METER REFUND #306
11/08/2023	317452	P	12121	WEG TRANSFORMERS USA LLC	\$50,425.93	0	1108231	3PH TRANSFORMERS
11/08/2023	317453	P	10059	WESTERN STATES EQUIPMENT COMPANY	\$11,658.84	0	1108231	TRACK LOADER, TRAILER, BRUSH C
11/08/2023	317454	P	31019	DEAN WILCOX	\$2,673.00	0	1108231	1339 Hains Avenue/Rebate/Solar
11/08/2023	317455	P	30859	J CHRISTOPHER WILSON	\$506.72	0	1108231	807 Strange Dr/Rebate/Solar-IC
11/08/2023	317456	P	30860	VANCE WING	\$1,713.12	0	1108231	1930 Sky Meadow Ave/Rebate/Sol
11/08/2023	317457	P	31373	LEIGH WOHLERS	\$2,750.79	0	1108231	912 Cottonwood Dr/Rebate/Solar
11/08/2023	317458	P	10194	XEROX CORPORATION	\$1,308.77	0	1108231	CITY MGR - 3TX411130 OCT 2023
11/08/2023	317459	P	31020	MARC YEOMANS	\$2,033.01	0	1108231	2007 Trippe Street/Rebate/Sola
11/08/2023	317460	P	30870	VITALIY ZINCHUCK	\$1,947.84	0	1108231	3511 Nottingham Drive/Rebate/S
11/15/2023	317461	P	10439	PYC LLC	\$1,730.51	0	1115231	RPD UNIFORM LAUNDRY/PATCH REPL
11/15/2023	317462	P	11063	A & E TOWING LLC	\$557.63	0	1115231	TOW FROM SHOP TO JIM'S PACIFIC
11/15/2023	317463	P	31318	A WORKSAFE SERVICE INC	\$160.00	0	1115231	DOT/PRE-EMP DRUG TESTING: M MA
11/15/2023	317464	P	10838	GRIGG ENTERPRISES INC	\$154.49	0	1115231	INSULATION TAPE - WTP HYPO TAN
11/15/2023	317465	P	10347	AIREFCO INC	\$851.67	0	1115231	RCC - HVAC
11/15/2023	317466	P	32117	ALASKA RUBBER GROUP INC	\$14.10	0	1115231	MALE PLUG VEH#7144 WO#71105
11/15/2023	317467	P	11492	ALS GROUP USA CORP	\$1,810.00	0	1115231	PRETRTMNT SAMPLING 9/13/23 BSE
11/15/2023	317468	P	10705	INTERSTATE CONCRETE & ASPHALT COMPANY	\$526.11	0	1115231	4 CY - CONCRETE 200 PSI 2 SACK
11/15/2023	317469	P	10003	AMERICAN WATER WORKS ASSOCIATION	\$4,512.00	0	1115231	Membership Dues 2024 - Member#

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317470	P	10983	ANOVAWORKS	\$2,250.00	0	1115231	ANNUAL EMPLOYEE FLU VACCINES 1
11/15/2023	317471	P	31508	APPLIED CONCEPTS INC	\$2,554.45	0	1115231	UPFIT VEH#2431 WO#70678
11/15/2023	317472	P	31205	ARAMARK UNIFORM & CAREER APPAREL GROUP, INC	\$717.69	0	1115231	LINEN CHARGES FOR OCTOBER
11/15/2023	317473	P	999000	AUREF - Utility Customer Refunds	\$176.03	0	1115231	2458 BRODIE LN
11/15/2023	317474	P	999000	AUREF - Utility Customer Refunds	\$254.66	0	1115231	1775 COLUMBIA PARK TRL 208
11/15/2023	317475	P	999000	AUREF - Utility Customer Refunds	\$59.94	0	1115231	429 NICKLAUS CT
11/15/2023	317476	P	999000	AUREF - Utility Customer Refunds	\$510.88	0	1115231	1005 COUNTRY CT
11/15/2023	317477	P	999000	AUREF - Utility Customer Refunds	\$409.17	0	1115231	3001 RIVERBEND DR
11/15/2023	317478	P	999000	AUREF - Utility Customer Refunds	\$95.13	0	1115231	575 COLUMBIA POINT DR Apt 126
11/15/2023	317479	P	999000	AUREF - Utility Customer Refunds	\$42.30	0	1115231	1621 GEORGE WASHINGTON WAY D19
11/15/2023	317480	P	999000	AUREF - Utility Customer Refunds	\$197.87	0	1115231	140 ENGLEWOOD DR
11/15/2023	317481	P	999000	AUREF - Utility Customer Refunds	\$155.68	0	1115231	1211 GEORGE WASHINGTON WAY 45
11/15/2023	317482	P	999000	AUREF - Utility Customer Refunds	\$35.00	0	1115231	1845 LESLIE RD A151
11/15/2023	317483	P	999000	AUREF - Utility Customer Refunds	\$146.37	0	1115231	2224 DAVISON AVE
11/15/2023	317484	P	999000	AUREF - Utility Customer Refunds	\$206.92	0	1115231	1442 DESERT SPRINGS AVE
11/15/2023	317485	P	999000	AUREF - Utility Customer Refunds	\$31.93	0	1115231	17 PROTON LN
11/15/2023	317486	P	999000	AUREF - Utility Customer Refunds	\$58.81	0	1115231	1618 AMON DR
11/15/2023	317487	P	999000	AUREF - Utility Customer Refunds	\$472.76	0	1115231	50 CHAPARRAL ST
11/15/2023	317488	P	999000	AUREF - Utility Customer Refunds	\$466.74	0	1115231	259 CANYON RIM CT
11/15/2023	317489	P	999000	AUREF - Utility Customer Refunds	\$175.16	0	1115231	2455 GEORGE WASHINGTON WAY I25
11/15/2023	317490	P	999000	AUREF - Utility Customer Refunds	\$133.46	0	1115231	801 WILLARD AVE
11/15/2023	317491	P	999000	AUREF - Utility Customer Refunds	\$36.48	0	1115231	2665 KINGSGATE WAY Apt G176
11/15/2023	317492	P	999000	AUREF - Utility Customer Refunds	\$114.25	0	1115231	2847 MONARCH LN
11/15/2023	317493	P	999000	AUREF - Utility Customer Refunds	\$88.99	0	1115231	506 OAHU ST
11/15/2023	317494	P	999000	AUREF - Utility Customer Refunds	\$133.02	0	1115231	2100 BELLERIVE DR Q178
11/15/2023	317495	P	999000	AUREF - Utility Customer Refunds	\$38.46	0	1115231	533 CARNER ST
11/15/2023	317496	P	999000	AUREF - Utility Customer Refunds	\$385.18	0	1115231	1950 BELLERIVE DR 228
11/15/2023	317497	P	999000	AUREF - Utility Customer Refunds	\$165.95	0	1115231	247 PINETREE LN
11/15/2023	317498	P	999000	AUREF - Utility Customer Refunds	\$239.28	0	1115231	1073 CAYUSE DR
11/15/2023	317499	P	999000	AUREF - Utility Customer Refunds	\$417.76	0	1115231	206 BROADMOOR ST
11/15/2023	317500	P	999000	AUREF - Utility Customer Refunds	\$153.69	0	1115231	1232 BRENTWOOD AVE
11/15/2023	317501	P	999000	AUREF - Utility Customer Refunds	\$237.28	0	1115231	1915 MCMURRAY AVE
11/15/2023	317502	P	999000	AUREF - Utility Customer Refunds	\$121.94	0	1115231	309 GREENTREE CT 2

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317503	P	999000	AUREF - Utility Customer Refunds	\$254.28	0	1115231	2141 HAMILTON AVE
11/15/2023	317504	P	999000	AUREF - Utility Customer Refunds	\$72.64	0	1115231	2146 SHASTA AVE
11/15/2023	317505	P	999000	AUREF - Utility Customer Refunds	\$160.45	0	1115231	57 BREMMER ST
11/15/2023	317506	P	999000	AUREF - Utility Customer Refunds	\$379.69	0	1115231	263 GAGE BLVD
11/15/2023	317507	P	999000	AUREF - Utility Customer Refunds	\$186.83	0	1115231	2365 MICHAEL AVE
11/15/2023	317508	P	999000	AUREF - Utility Customer Refunds	\$109.54	0	1115231	1224 BRIDLE DR
11/15/2023	317509	P	999000	AUREF - Utility Customer Refunds	\$1,604.65	0	1115231	2364 COPPERTREE CT
11/15/2023	317510	P	999000	AUREF - Utility Customer Refunds	\$223.04	0	1115231	241 PINETREE LN
11/15/2023	317511	P	999000	AUREF - Utility Customer Refunds	\$192.01	0	1115231	2715 LESLIE RD
11/15/2023	317512	P	999000	AUREF - Utility Customer Refunds	\$264.13	0	1115231	2126 CASCADE AVE
11/15/2023	317513	P	999000	AUREF - Utility Customer Refunds	\$329.57	0	1115231	308 GREENBROOK PL
11/15/2023	317514	P	999000	AUREF - Utility Customer Refunds	\$363.54	0	1115231	100 CIMARRON ST
11/15/2023	317515	P	999000	AUREF - Utility Customer Refunds	\$479.49	0	1115231	1126 BRIDLE DR
11/15/2023	317516	P	999000	AUREF - Utility Customer Refunds	\$124.95	0	1115231	1845 LESLIE RD C105
11/15/2023	317517	P	999000	AUREF - Utility Customer Refunds	\$88.20	0	1115231	16 NUCLEAR LN
11/15/2023	317518	P	999000	AUREF - Utility Customer Refunds	\$1.38	0	1115231	1309 CAROLINA AVE
11/15/2023	317519	P	999000	AUREF - Utility Customer Refunds	\$204.95	0	1115231	2500 BLUE HILL CT
11/15/2023	317520	P	999000	AUREF - Utility Customer Refunds	\$365.91	0	1115231	117 SHERMAN ST
11/15/2023	317521	P	999000	AUREF - Utility Customer Refunds	\$182.43	0	1115231	1639 BRITTLEBUSH LN
11/15/2023	317522	P	999000	AUREF - Utility Customer Refunds	\$255.99	0	1115231	1845 LESLIE RD U60
11/15/2023	317523	P	999000	AUREF - Utility Customer Refunds	\$206.61	0	1115231	171 ARROYO ST
11/15/2023	317524	P	999000	AUREF - Utility Customer Refunds	\$151.02	0	1115231	142 PINETREE LN
11/15/2023	317525	P	999000	AUREF - Utility Customer Refunds	\$7.85	0	1115231	1945 DAVISON AVE
11/15/2023	317526	P	999000	AUREF - Utility Customer Refunds	\$111.52	0	1115231	1636 ALAMOSA AVE
11/15/2023	317527	P	999000	AUREF - Utility Customer Refunds	\$101.80	0	1115231	1439 AMON DR
11/15/2023	317528	P	999000	AUREF - Utility Customer Refunds	\$239.89	0	1115231	1202 BRENTWOOD AVE
11/15/2023	317529	P	999000	AUREF - Utility Customer Refunds	\$154.36	0	1115231	230 BATTELLE BLVD Apt 218
11/15/2023	317530	P	999000	AUREF - Utility Customer Refunds	\$118.71	0	1115231	1652 PENNY LN
11/15/2023	317531	P	999000	AUREF - Utility Customer Refunds	\$335.39	0	1115231	2021 MAHAN AVE M2
11/15/2023	317532	P	999000	AUREF - Utility Customer Refunds	\$456.49	0	1115231	1250 LLANDWOOD AVE
11/15/2023	317533	P	999000	AUREF - Utility Customer Refunds	\$256.09	0	1115231	106 SKYLINE DR
11/15/2023	317534	P	999000	AUREF - Utility Customer Refunds	\$137.28	0	1115231	287 GAGE BLVD
11/15/2023	317535	P	999000	AUREF - Utility Customer Refunds	\$58.78	0	1115231	1461 OXFORD AVE

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317536	P	999000	AUREF - Utility Customer Refunds	\$22.63	0	1115231	2507 PALOMINO CT
11/15/2023	317537	P	999000	AUREF - Utility Customer Refunds	\$696.93	0	1115231	234 INDIAN CT
11/15/2023	317538	P	999000	AUREF - Utility Customer Refunds	\$327.32	0	1115231	2641 DORNOCH PL
11/15/2023	317539	P	999000	AUREF - Utility Customer Refunds	\$322.59	0	1115231	2119 BEECH AVE
11/15/2023	317540	P	999000	AUREF - Utility Customer Refunds	\$73.56	0	1115231	1496 DESERT SPRINGS AVE
11/15/2023	317541	P	999000	AUREF - Utility Customer Refunds	\$468.76	0	1115231	2555 BELLA COOLA LN Apt 191
11/15/2023	317542	P	999000	AUREF - Utility Customer Refunds	\$94.92	0	1115231	250 GAGE BLVD 1092
11/15/2023	317543	P	999000	AUREF - Utility Customer Refunds	\$278.37	0	1115231	333 WENAS PL
11/15/2023	317544	P	999000	AUREF - Utility Customer Refunds	\$18.06	0	1115231	1693 VENUS CIR
11/15/2023	317545	P	999000	AUREF - Utility Customer Refunds	\$354.81	0	1115231	1934 MEADOWS DR N
11/15/2023	317546	P	999000	AUREF - Utility Customer Refunds	\$49.98	0	1115231	206 GREENBRIAR WEST
11/15/2023	317547	P	999000	AUREF - Utility Customer Refunds	\$29.47	0	1115231	2433 GEORGE WASHINGTON WAY 610
11/15/2023	317548	P	999000	AUREF - Utility Customer Refunds	\$73.80	0	1115231	260 SAINT ST
11/15/2023	317549	P	999000	AUREF - Utility Customer Refunds	\$3.90	0	1115231	1895 BIRCH AVE
11/15/2023	317550	P	999000	AUREF - Utility Customer Refunds	\$115.73	0	1115231	1942 SHERIDAN PL
11/15/2023	317551	P	999000	AUREF - Utility Customer Refunds	\$474.50	0	1115231	668 NASTACIA ST
11/15/2023	317552	P	999000	AUREF - Utility Customer Refunds	\$49.99	0	1115231	69 JADWIN AVE 40
11/15/2023	317553	P	999000	AUREF - Utility Customer Refunds	\$27.45	0	1115231	118 BROADMOOR ST
11/15/2023	317554	P	999000	AUREF - Utility Customer Refunds	\$380.67	0	1115231	450 PALM DR
11/15/2023	317555	P	999000	AUREF - Utility Customer Refunds	\$72.03	0	1115231	1610 CIMARRON CT
11/15/2023	317556	P	999000	AUREF - Utility Customer Refunds	\$333.94	0	1115231	250 BATTELLE BLVD Apt 308
11/15/2023	317557	P	999000	AUREF - Utility Customer Refunds	\$148.48	0	1115231	240 BATTELLE BLVD Apt 128
11/15/2023	317558	P	999000	AUREF - Utility Customer Refunds	\$166.84	0	1115231	450 CARNER CT W
11/15/2023	317559	P	999000	AUREF - Utility Customer Refunds	\$161.84	0	1115231	2303 HOOD AVE
11/15/2023	317560	P	999000	AUREF - Utility Customer Refunds	\$165.95	0	1115231	509 CHARBONNEAU DR
11/15/2023	317561	P	999000	AUREF - Utility Customer Refunds	\$597.21	0	1115231	1950 BELLERIVE DR 240
11/15/2023	317562	P	999000	AUREF - Utility Customer Refunds	\$173.03	0	1115231	62 BREMMER ST
11/15/2023	317563	P	999000	AUREF - Utility Customer Refunds	\$296.46	0	1115231	1736 DULUTH ST
11/15/2023	317564	P	999000	AUREF - Utility Customer Refunds	\$89.31	0	1115231	2021 MAHAN AVE C1
11/15/2023	317565	P	999000	AUREF - Utility Customer Refunds	\$444.86	0	1115231	289 ADAIR DR
11/15/2023	317566	P	999000	AUREF - Utility Customer Refunds	\$350.70	0	1115231	164 RIVERWOOD ST
11/15/2023	317567	P	999000	AUREF - Utility Customer Refunds	\$34.25	0	1115231	2448 WESTMORELAND DR
11/15/2023	317568	P	999000	AUREF - Utility Customer Refunds	\$269.50	0	1115231	1136 HILLS WEST WAY

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317569	P	999000	AUREF - Utility Customer Refunds	\$52.81	0	1115231	2118 SHERIDAN PL
11/15/2023	317570	P	999000	AUREF - Utility Customer Refunds	\$129.39	0	1115231	2151 SHERIDAN PL
11/15/2023	317571	P	999000	AUREF - Utility Customer Refunds	\$183.52	0	1115231	565 FRANKLIN ST
11/15/2023	317572	P	999000	AUREF - Utility Customer Refunds	\$226.73	0	1115231	338 GREENBROOK PL
11/15/2023	317573	P	999000	AUREF - Utility Customer Refunds	\$430.88	0	1115231	41 PROTON LN
11/15/2023	317574	P	999000	AUREF - Utility Customer Refunds	\$51.39	0	1115231	115 HILLVIEW DR
11/15/2023	317575	P	999000	AUREF - Utility Customer Refunds	\$46.57	0	1115231	1407 CANYON AVE
11/15/2023	317576	P	999000	AUREF - Utility Customer Refunds	\$119.07	0	1115231	1950 BELLERIVE DR 222
11/15/2023	317577	P	999000	AUREF - Utility Customer Refunds	\$505.52	0	1115231	2340 GREENBROOK BLVD
11/15/2023	317578	P	999000	AUREF - Utility Customer Refunds	\$222.84	0	1115231	1580 VALLEY VIEW RD
11/15/2023	317579	P	999000	AUREF - Utility Customer Refunds	\$172.72	0	1115231	411 LARKHAVEN CT
11/15/2023	317580	P	999000	AUREF - Utility Customer Refunds	\$132.39	0	1115231	2433 DAVISON AVE
11/15/2023	317581	P	999000	AUREF - Utility Customer Refunds	\$250.29	0	1115231	375 BLALOCK CT
11/15/2023	317582	P	999000	AUREF - Utility Customer Refunds	\$228.35	0	1115231	3629 NOTTINGHAM DR
11/15/2023	317583	P	999000	AUREF - Utility Customer Refunds	\$248.53	0	1115231	2422 MARK AVE
11/15/2023	317584	P	999000	AUREF - Utility Customer Refunds	\$178.39	0	1115231	42 RIDGECLEFF DR
11/15/2023	317585	P	999000	AUREF - Utility Customer Refunds	\$338.38	0	1115231	224 GREENVIEW DR
11/15/2023	317586	P	999000	AUREF - Utility Customer Refunds	\$130.00	0	1115231	135 SPENGLER ST
11/15/2023	317587	P	999000	AUREF - Utility Customer Refunds	\$554.57	0	1115231	142 EDGEWOOD DR
11/15/2023	317588	P	999000	AUREF - Utility Customer Refunds	\$51.39	0	1115231	309 LAKEVIEW CT
11/15/2023	317589	P	999000	AUREF - Utility Customer Refunds	\$84.81	0	1115231	147 SPENGLER ST
11/15/2023	317590	P	999000	AUREF - Utility Customer Refunds	\$38.75	0	1115231	609 MEADOWS DR S
11/15/2023	317591	P	999000	AUREF - Utility Customer Refunds	\$214.73	0	1115231	173 BITTERROOT DR
11/15/2023	317592	P	999000	AUREF - Utility Customer Refunds	\$193.03	0	1115231	234 SKYLINE DR
11/15/2023	317593	P	999000	AUREF - Utility Customer Refunds	\$161.21	0	1115231	486 PALM DR
11/15/2023	317594	P	999000	AUREF - Utility Customer Refunds	\$47.23	0	1115231	1692 MANCHESTER ST
11/15/2023	317595	P	999000	AUREF - Utility Customer Refunds	\$125.91	0	1115231	405 MELISSA ST
11/15/2023	317596	P	999000	AUREF - Utility Customer Refunds	\$155.50	0	1115231	1118 MCMURRAY ST
11/15/2023	317597	P	999000	AUREF - Utility Customer Refunds	\$137.95	0	1115231	96102 EHOLLY RD
11/15/2023	317598	P	999000	AUREF - Utility Customer Refunds	\$20.49	0	1115231	601 GIGI CT
11/15/2023	317599	P	999000	AUREF - Utility Customer Refunds	\$1,923.26	0	1115231	942 MCPHERSON AVE
11/15/2023	317600	P	999000	AUREF - Utility Customer Refunds	\$77.84	0	1115231	1512 RIDGE VIEW CT
11/15/2023	317601	P	999000	AUREF - Utility Customer Refunds	\$383.93	0	1115231	1595 MANCHESTER ST

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317602	P	999000	AUREF - Utility Customer Refunds	\$32.76	0	1115231	2336 CAMAS AVE
11/15/2023	317603	P	999000	AUREF - Utility Customer Refunds	\$6.20	0	1115231	2895 PAULING AVE Apt 348
11/15/2023	317604	P	999000	AUREF - Utility Customer Refunds	\$82.24	0	1115231	2017 SHERIDAN PL
11/15/2023	317605	P	999000	AUREF - Utility Customer Refunds	\$102.09	0	1115231	140 HIGH MEADOWS ST
11/15/2023	317606	P	999000	AUREF - Utility Customer Refunds	\$74.20	0	1115231	1805 WILLIAMS BLVD
11/15/2023	317607	P	999000	AUREF - Utility Customer Refunds	\$148.12	0	1115231	122 RACHEL RD
11/15/2023	317608	P	999000	AUREF - Utility Customer Refunds	\$106.52	0	1115231	2333 DAVISON AVE
11/15/2023	317609	P	999000	AUREF - Utility Customer Refunds	\$63.18	0	1115231	1806 NOVA LN
11/15/2023	317610	P	999000	AUREF - Utility Customer Refunds	\$263.49	0	1115231	152 HILLS WEST WAY
11/15/2023	317611	P	999000	AUREF - Utility Customer Refunds	\$176.04	0	1115231	1464 OXFORD AVE
11/15/2023	317612	P	999000	AUREF - Utility Customer Refunds	\$89.47	0	1115231	2109 KEENE RD
11/15/2023	317613	P	999000	AUREF - Utility Customer Refunds	\$345.67	0	1115231	4370 KIMBERLY ST
11/15/2023	317614	P	999000	AUREF - Utility Customer Refunds	\$109.16	0	1115231	1210 COUNTRY RIDGE DR
11/15/2023	317615	P	999000	AUREF - Utility Customer Refunds	\$56.00	0	1115231	144 SPENGLER ST
11/15/2023	317616	P	32112	KENNETH P SCHMIDT	\$675.03	0	1115231	RPD ABATEMENT TOW CHARGE
11/15/2023	317617	P	11079	AUTOZONE STORES LLC	\$760.96	0	1115231	BRAKE FLUID, WIPER BLADE VEH#2
11/15/2023	317618	P	12002	AXON ENTERPRISE, INC	\$30,011.00	0	1115231	SPARE AXON CAMERAS & NEW UPFIT
11/15/2023	317619	P	11126	B AND B TRAILERS LLC	\$2,958.18	0	1115231	REPLACE SEALS AND COVERS VEH#4
11/15/2023	317620	P	10607	BADGER MOUNTAIN IRRIGATION DISTRICT	\$7,104.00	0	1115231	Connection Fees - 3rd QTR 2023
11/15/2023	317621	P	10367	BANK OF AMERICA	\$1,092.82	0	1115231	BANK ANALYSIS FEES
11/15/2023	317622	P	11017	BASIN EXPRESS LLC	\$19.50	0	1115231	SHIPPING PREV PART ORDERED VEH
11/15/2023	317623	P	10518	BEAVER BARK & ROCK	\$1,693.72	0	1115231	TRIPPING - RPD SIDEWALK
11/15/2023	317624	P	10482	BENTON COUNTY PROSECUTOR'S OFFICE	\$3,027.50	0	1115231	KIDS HAVEN EXPENSES 3RD QTR 20
11/15/2023	317625	P	10009	COUNTY OF BENTON	\$62,676.58	0	1115231	BENTON COUNTY OFFICE OF PUBLIC
11/15/2023	317626	P	10009	COUNTY OF BENTON	\$667.70	0	1115231	CRIME VICTIMS BCDC OCTOBER 23
11/15/2023	317627	P	10010	BENTON FRANKLIN HEALTH DISTRICT	\$446.16	0	1115231	Algae Bloom Water Quality Lab
11/15/2023	317628	P	10008	BENTON PUD	\$81.84	0	1115231	1123-3909100 (9) ISLAND VIEW-B
11/15/2023	317629	P	10158	BENTON RURAL ELECTRIC ASSOCIATION	\$2,595.98	0	1115231	KENNEDY BOOSTER STATION 10-31-
11/15/2023	317630	P	11182	BLUELINE EQUIPMENT CO LLC	\$197.37	0	1115231	EQUIP REPAIR - TOP DRESSER PAR
11/15/2023	317631	P	11778	DSD CAPITAL LLC	\$140.30	0	1115231	Outhouse Landfill Oct 2023
11/15/2023	317632	P	10890	BONNEVILLE ENVIRONMENTAL FOUNDATION	\$2,500.00	0	1115231	Green Power Program for FY 202
11/15/2023	317633	P	11272	BOYD'S TREE SERVICE LLC	\$9,312.28	0	1115231	TREE PRUNING & VEGETATION MANA
11/15/2023	317634	P	30666	KAYLEE BUNCH	\$219.14	0	1115231	23-362 Bunch, 2023 Design Buil

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317635	P	11172	CABLE HUSTON LLP	\$5,953.50	0	1115231	C220-19 Electric Utility Legal
11/15/2023	317636	P	10841	CASELLE INC	\$178.00	0	1115231	Caselle Contract Support and M
11/15/2023	317637	P	31177	CENGAGE LEARNING, INC.	\$3,472.88	0	1115231	CHILTON LIBRARY & WA STATE LEG
11/15/2023	317638	P	10847	CERIUM NETWORKS INC	\$4,276.60	0	1115231	SMARTNET RENEWAL FOR ADMIN PHO
11/15/2023	317639	P	10597	CHARTER COMMUNICATIONS	\$117.02	0	1115231	RPD BUSINESS INTERNET PLUS NOV
11/15/2023	317640	P	30116	CHRISTENSEN INC	\$2,329.24	0	1115231	FLEET DEF BULK AND OILS FOR SH
11/15/2023	317641	P	10261	CITY OF RICHLAND	\$570.00	0	1115231	Brenden Haley - swim lessons
11/15/2023	317642	P	10261	CITY OF RICHLAND	\$6,086.24	0	1115231	23-304 HESTER 10-08-23 NRPA 20
11/15/2023	317643	P	10261	CITY OF RICHLAND	\$580.00	0	1115231	1530 Wright - Magier - HP/WIN
11/15/2023	317644	P	11516	COLEMAN OIL COMPANY	\$3,503.66	0	1115231	LANDFILL DYED FUEL
11/15/2023	317645	P	10135	CI SUPPORT LLC	\$190.06	0	1115231	FINANCE ONSITE WO#0283459 10/9
11/15/2023	317646	P	12380	CONNETIX ENGINEERING, INC	\$1,256.25	0	1115231	As-Needed Sewer Engineering Su
11/15/2023	317647	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$1,157.88	0	1115231	GALV STEEL - DEICER
11/15/2023	317648	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$25.52	0	1115231	HOWARD AMON - COMFORT STATION
11/15/2023	317649	P	11526	CORWIN OF PASCO LLC	\$4,271.35	0	1115231	BACK UP CAMERA VEH#2430 WO#711
11/15/2023	317650	P	10039	DAILY JOURNAL OF COMMERCE	\$439.20	0	1115231	RFQ23-0099 N. RICHLAND SHALLOW
11/15/2023	317651	P	11445	DAY MANAGEMENT CORPORATION	\$239.58	0	1115231	UPFIT RADIO INSTALL VEH#2538 W
11/15/2023	317652	P	10139	DEPARTMENT OF ECOLOGY	\$2,391.00	0	1115231	WW OP CERT 2024 RENEWAL SOLOMO
11/15/2023	317653	P	10177	DEPARTMENT OF LABOR & INDUSTRIES	\$59,082.73	0	1115231	3rd Qtr 2023 Self Insured L&I
11/15/2023	317654	P	11169	EFFICIENCY SOLUTIONS LLC	\$6,741.00	0	1115231	C07-21 COMMERCIAL ENERGY EFFIC
11/15/2023	317655	P	11762	ENTERPRISE HOLDINGS INC	\$720.23	0	1115231	23-228 LETTRICK, 23-226 STANLE
11/15/2023	317656	P	11044	EWING IRRIGATION PRODUCTS INC	\$178.66	0	1115231	HOWARD AMON - FLAGPOLE IRR PAR
11/15/2023	317657	P	31170	HIS DIME, LLC	\$307.99	0	1115231	DECALS VEH#4134 WO#71163
11/15/2023	317658	P	10508	FASTENAL COMPANY	\$22.59	0	1115231	20 EA -SCREWS/NUTS
11/15/2023	317659	P	32264	FEDERICK J FAGAN	\$240.10	0	1115231	OCTOBER CLASS 9692
11/15/2023	317660	P	10315	FERGUSON US HOLDINGS INC	\$102.47	0	1115231	COLUMBIA PARK W - PLUMBING PAR
11/15/2023	317661	P	32285	TERRA FLORES	\$456.99	0	1115231	23-375 Equip eval and transfor
11/15/2023	317662	P	11157	FRONTIER COMMUNICATIONS NORTHWEST, INC.	\$236.26	0	1115231	FAX LINES 11/01-11/30/23
11/15/2023	317663	P	11585	GALLS, LLC	\$493.47	0	1115231	UNIFORMS GALLS
11/15/2023	317664	P	31421	GARY A TUCCI	\$18,655.40	0	1115231	October 2023 Solar Generation
11/15/2023	317665	P	10050	GENERAL PACIFIC INC	\$90,967.96	0	1115231	CONNECTORS_E4
11/15/2023	317666	P	31030	GROENEVELD LUBRICATION SOLUTIONS INC.	\$193.20	0	1115231	HOSES VEH#3359 WO#70890
11/15/2023	317667	P	10256	HACH COMPANY	\$678.62	0	1115231	6-DPD FREE REFILL VIALS/3-DPD

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317668	P	11813	HERC RENTALS INC	\$180.44	0	1115231	SOUTH YARD - HOMELESS PAD CONC
11/15/2023	317669	P	31209	WALTEK II, INCORPORATED	\$6,647.00	0	1115231	Soil Testing Aeration Basin
11/15/2023	317670	P	10628	CPM DEVELOPMENT CORPORATION	\$864.38	0	1115231	4.92 TON - ASPHALT - 1/2" HMA
11/15/2023	317671	P	10570	INSIGHT DISTRIBUTING INC	\$12,765.62	0	1115231	PLASTIC LINERS
11/15/2023	317672	P	12484	INTERMOUNTAIN SIGN & SAFETY INC	\$4,302.56	0	1115231	ALUMINUM BLANKS 30X36 30 48X48
11/15/2023	317673	P	32064	IRON HORSE LLC	\$171,394.84	0	1115231	2022 Trenchless Sewer Rehab (B
11/15/2023	317674	P	11843	IRON MOUNTAIN INC	\$259.74	0	1115231	RPD SHRED SERVICES THRU 10/24/
11/15/2023	317675	P	10496	ITRON INC	\$103,298.93	0	1115231	Electricity Meters
11/15/2023	317676	P	10291	JOB'S NURSERY LLC	\$6,114.38	0	1115231	TREES - MAPLE TREES
11/15/2023	317677	P	31660	KELLEY CONNECT CO	\$148.92	0	1115231	OCTOBER COPIER CHARGES FOR PUR
11/15/2023	317678	P	10071	KENNEWICK INDUSTRIAL & ELECTRICAL SUPPLY	\$107.23	0	1115231	COLUMBIA PARK W - PLUMBING PAR
11/15/2023	317679	P	11667	KENWORTH SALES COMPANY	\$191.67	0	1115231	AIR DRYER FILTER VEH#3336 WO#7
11/15/2023	317680	P	10432	LANGUAGE LINE SERVICES INC	\$1,105.35	0	1115231	RPD TRANSLATION SERVICE 10/1/2
11/15/2023	317681	P	10219	LES SCHWAB TIRE CENTERS OF WASHINGTON INC	\$1,208.27	0	1115231	NEW SNOW TIRES VEH#2452 WO#711
11/15/2023	317682	P	11473	PATTI L MASON	\$511.00	0	1115231	OCTOBER CLASSES 9631, 9647
11/15/2023	317683	P	10093	MCCURLEY INTEGRITY DEALERSHIPS, LLC	\$419.79	0	1115231	PIPES, COOLER HOSE VEH#2360 WO
11/15/2023	317684	P	10316	MCDONALD & ASSOCIATES INC	\$489.15	0	1115231	STOCK - TOP SOIL
11/15/2023	317685	P	11652	MENKE JACKSON BEYER LLP	\$6,482.65	0	1115231	ACCT. #487-TARR ABATEMENT (141
11/15/2023	317686	P	10578	MIDWEST TAPE	\$7,265.85	0	1115231	HOOPLA OCTOBER 2023
11/15/2023	317687	P	11835	MILLER PAINT COMPANY INC	\$1,563.60	0	1115231	COLUMBIA PLAYFIELD - STORAGE P
11/15/2023	317688	P	11358	JO ANN MILLER	\$417.20	0	1115231	OCTOBER CLASSES 9819, 9634
11/15/2023	317689	P	10660	MILNE NAIL, POWER TOOL & REPAIR	\$678.40	0	1115231	DENNIS - DEWALT GREASE GUN
11/15/2023	317690	P	10480	MOUNTS LOCK & KEY INC	\$65.22	0	1115231	REKEY LOCK FOR LUNCHROOM
11/15/2023	317691	P	31674	P&F AUTOMOTIVE WAREHOUSE INC	\$3,861.31	0	1115231	REPELLENT OIL VEH#3374 WO#7117
11/15/2023	317692	P	10981	OIL RE-REFINING CO	\$577.90	0	1115231	Recycled Oil Haul 11/6/2023
11/15/2023	317693	P	10357	OXARC INC	\$446.14	0	1115231	Nitrogen
11/15/2023	317694	P	31206	CI - PW LLC	\$15.21	0	1115231	Water Landfill 11/7/23
11/15/2023	317695	P	10232	PERFECTION GLASS INC	\$852.00	0	1115231	440 Geenbrook - Strankman - WI
11/15/2023	317696	P	31798	PERFORMANCE SYSTEMS INTEGRATION LLC	\$373.94	0	1115231	CITY HALL - ANNUAL FIRE EXTING
11/15/2023	317697	P	10936	PREMIER EXCAVATION INC	\$48,217.25	0	1115231	Center Parkway Ext N - 312-22
11/15/2023	317698	P	10653	PROQUEST LP	\$1,444.49	0	1115231	WSL BUNDLE DATABASE
11/15/2023	317699	P	32283	REBEL STAMP & SIGN CO INC	\$3,860.64	0	1115231	DOUBLE SIDED BANNER STANDS
11/15/2023	317700	P	11136	RICHARD SCHURFELD	\$258.00	0	1115231	PORTAL SERVICE LOCATES OCTOBER

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317701	P	10939	RETAIL LOCKBOX INC	\$3,076.01	0	1115231	UB PAYMENT PROCESSING OCTOBER
11/15/2023	317702	P	11012	RH2 ENGINEERING INC	\$531.21	0	1115231	SCADA Evaluation and Upgrade 3
11/15/2023	317703	P	10647	RIVER CITY TOWING INC	\$530.48	0	1115231	RPD TOW CHARGE
11/15/2023	317704	P	10595	DR ROBERTS CONSTRUCTION INC	\$5,103.47	0	1115231	1530 Wright - Magier - Window
11/15/2023	317705	P	31814	VICTOR RUVALCABA	\$100.00	0	1115231	REIMB OWPSACSTATE PROGRAM & TE
11/15/2023	317706	P	11488	RWC INTERNATIONAL LTD	\$53.84	0	1115231	SENSOR WATER IN FUEL VEH#3294
11/15/2023	317707	P	11098	SCHINDLER ELEVATOR CORPORATION	\$141.72	0	1115231	NOVEMBER CHAIR LIFT INSPECTION
11/15/2023	317708	P	32193	GABE SMITH	\$180.00	0	1115231	23-376 Equip eval and transfor
11/15/2023	317709	P	10649	SNAP ON INCORPORATED	\$487.13	0	1115231	DEUTSCH CRIMP VEH#3374 WO#7117
11/15/2023	317710	P	10536	SPRAGUE PEST SOLUTIONS	\$76.57	0	1115231	Pest Control Solid Waste Nov 2
11/15/2023	317711	P	10393	STONEWAY ELECTRIC SUPPLY	\$419.61	0	1115231	PROUT POOL - ELECTRICAL PARTS
11/15/2023	317712	P	10961	TACOMA SCREW PRODUCTS INC	\$72.39	0	1115231	JONATHAN - DRIVER BIT SET
11/15/2023	317713	P	10961	TACOMA SCREW PRODUCTS INC	\$134.70	0	1115231	Screws
11/15/2023	317714	P	31735	MARQUES HARRER	\$1,717.01	0	1115231	RPD JUMPSUIT ALTERATION - SCHW
11/15/2023	317715	P	31051	THE GOODYEAR TIRE & RUBBER COMPANY	\$10,979.28	0	1115231	TIRE CHANGE VEH#1212 WO#71111
11/15/2023	317716	P	10027	THE PAPE' GROUP	\$2,047.24	0	1115231	FILTER VEH#7165 WO#71125
11/15/2023	317717	P	32324	ARTURO TOVAR	\$1,031.97	0	1115231	TRAVEL REIMBURSEMENT FOR INTER
11/15/2023	317718	P	10122	TRAFFIC SAFETY SUPPLY CO INC	\$1,397.34	0	1115231	FITTINGS/ ANCHORS/ BOLTS/NUTS
11/15/2023	317719	P	10642	SIRJMR INC	\$141.52	0	1115231	RPD COFFEE DELIVERY & COOLER R
11/15/2023	317720	P	10128	THE MCCLATCHY COMPANY	\$3,214.23	0	1115231	NOT. OF PUB HEARING PROPOSED S
11/15/2023	317721	P	10603	TRI CITY LUMBER CO	\$1,018.20	0	1115231	2-48" WOOD STAKES 50PCS TA9000
11/15/2023	317722	P	31597	TRI CITIES TABLE TENNIS ASSOCIATION	\$420.00	0	1115231	OCTOBER CLASSES
11/15/2023	317723	P	10335	TRI CITY DEVELOPMENT COUNCIL	\$24,843.78	0	1115231	Q3 2023 HANFORD COMMUNITY REIM
11/15/2023	317724	P	12160	TYLER TECHNOLOGIES, INC	\$700.00	0	1115231	EnerGov per Contract 184-17 Am
11/15/2023	317725	P	32255	UNIT PROCESS COMPANY INC	\$587.85	0	1115231	GP ULTRASONIC HAND PROGRAMMERS
11/15/2023	317726	P	31667	UNITEC CORPORATION	\$1,325.05	0	1115231	Industrial Scale Service 11/1/
11/15/2023	317727	P	10512	US BANK N A	\$232.00	0	1115231	OCTOBER 2023 POOLED INVESTMENT
11/15/2023	317728	P	11468	US BANK ST PAUL	\$5,914.13	0	1115231	FISCAL AGENT FEES - JULY 2023
11/15/2023	317729	P	10106	US LINEN & UNIFORM	\$26.85	0	1115231	RPD TOWEL DELIVERY
11/15/2023	317730	P	11802	TRI CITIES VISITOR & CONVENTION BUREAU	\$96,522.32	0	1115231	VISIT TRI-CITIES CONTRACT DUES
11/15/2023	317731	P	10138	WA STATE AUDITOR'S OFFICE	\$14,198.95	0	1115231	AUDIT SERVICES OCTBER 2023
11/15/2023	317732	P	10140	WASHINGTON STATE PATROL	\$834.75	0	1115231	RPD BACKGROUND CHECKS OCT 2023
11/15/2023	317733	P	10173	WASHINGTON STATE TREASURER	\$45,906.52	0	1115231	10/23 FINES & FORFEITURES BC

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/15/2023	317734	P	999003	WASTEWORCS REFUND	\$376.46	0	1115231	Refund overpayment WW account
11/15/2023	317735	P	999003	WASTEWORCS REFUND	\$122.03	0	1115231	Refund overpayment WW account
11/15/2023	317736	P	999003	WASTEWORCS REFUND	\$348.00	0	1115231	Refund overpayment WW account
11/15/2023	317737	P	11015	WEBCHECK INC	\$1,190.27	0	1115231	WEBCHECK SERVICE OCTOBER 2023
11/15/2023	317738	P	10059	WESTERN STATES EQUIPMENT COMPANY	\$7,405.20	0	1115231	TRACK REPLACEMENT VEH#7168 WO#
11/15/2023	317739	P	30939	DOBBS HEAVY DUTY HOLDINGS LLC	\$3,252.08	0	1115231	RETURN FUEL TANK CORE VEH#3363
11/15/2023	317740	P	31218	WHECO CORPORATION	\$12,641.37	0	1115231	ANNUAL INSPECTION VEH#3354 WO#
11/15/2023	317741	P	10194	XEROX CORPORATION	\$771.54	0	1115231	3UA367080 OCTOBER 2023
11/17/2023	317742	P	31231	ABM INDUSTRIES INC	\$16,916.33	0	1117231	MULTIPLE FACILITIES - JANITORI
11/17/2023	317743	P	10838	GRIGG ENTERPRISES INC	\$996.27	0	1117231	RILIE - PRUNERS
11/17/2023	317744	P	10157	AMERIGAS	\$249.93	0	1117231	PROPANE REFILL
11/17/2023	317745	P	10644	ANIXTER INC	\$22,913.96	0	1117231	DEVICES_UG
11/17/2023	317746	P	32329	JANELLE TARASEWICZ	\$4,250.00	0	1117231	COMMUNICATION SKILLS TO DE-ESC
11/17/2023	317747	P	10537	APOLLO INC	\$4,263.34	0	1117231	QRTLY HVAC MAINTENANCE - SILLU
11/17/2023	317748	P	10317	APOLLO SHEET METAL INC	\$5,019.40	0	1117231	HVAC MAINTENANCE
11/17/2023	317749	P	10089	THE ARC OF TRI CITIES	\$14,100.00	0	1117231	CDBG 2023 THERSPEUTIC RECREATI
11/17/2023	317750	P	31678	AT&T CORP	\$73.75	0	1117231	FAX LINES 09/22-10/21/23
11/17/2023	317751	P	999000	AUREF - Utility Customer Refunds	\$142.32	0	1117231	451 WESTCLIFFE BLVD Apt C119
11/17/2023	317752	P	999000	AUREF - Utility Customer Refunds	\$436.74	0	1117231	2484 FALCONCREST LOOP
11/17/2023	317753	P	999000	AUREF - Utility Customer Refunds	\$323.81	0	1117231	2513 DUPORTAIL ST Apt 208
11/17/2023	317754	P	999000	AUREF - Utility Customer Refunds	\$413.99	0	1117231	3003 QUEENSGATE DR Apt 315
11/17/2023	317755	P	999000	AUREF - Utility Customer Refunds	\$180.05	0	1117231	1621 GEORGE WASHINGTON WAY D22
11/17/2023	317756	P	999000	AUREF - Utility Customer Refunds	\$192.51	0	1117231	1775 COLUMBIA PARK TRL 202
11/17/2023	317757	P	999000	AUREF - Utility Customer Refunds	\$157.97	0	1117231	451 WESTCLIFFE BLVD Apt G351
11/17/2023	317758	P	999000	AUREF - Utility Customer Refunds	\$31.91	0	1117231	1529 COLUMBIA PARK TRL Apt 225
11/17/2023	317759	P	999000	AUREF - Utility Customer Refunds	\$114.92	0	1117231	1357 CAROLINA AVE
11/17/2023	317760	P	999000	AUREF - Utility Customer Refunds	\$50.00	0	1117231	961 UNIVERSITY DR
11/17/2023	317761	P	999000	AUREF - Utility Customer Refunds	\$191.08	0	1117231	2513 DUPORTAIL ST Apt 103
11/17/2023	317762	P	999000	AUREF - Utility Customer Refunds	\$138.35	0	1117231	2555 BELLA COOLA LN Apt 177
11/17/2023	317763	P	999000	AUREF - Utility Customer Refunds	\$211.58	0	1117231	1113 POMPARNO CT
11/17/2023	317764	P	999000	AUREF - Utility Customer Refunds	\$268.70	0	1117231	513 HOGAN CT
11/17/2023	317765	P	999000	AUREF - Utility Customer Refunds	\$314.29	0	1117231	1803 PEACH TREE LN C
11/17/2023	317766	P	999000	AUREF - Utility Customer Refunds	\$184.12	0	1117231	2603 STONECREEK DR

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/17/2023	317767	P	999000	AUREF - Utility Customer Refunds	\$166.57	0	1117231	556 PUNKIE LN
11/17/2023	317768	P	999000	AUREF - Utility Customer Refunds	\$123.23	0	1117231	2315 PARKVIEW AVE
11/17/2023	317769	P	999000	AUREF - Utility Customer Refunds	\$161.99	0	1117231	3003 QUEENSGATE DR Apt 358
11/17/2023	317770	P	999000	AUREF - Utility Customer Refunds	\$183.72	0	1117231	650 GEORGE WASHINGTON WAY Apt
11/17/2023	317771	P	999000	AUREF - Utility Customer Refunds	\$119.79	0	1117231	2550 DUORTAIL ST M276
11/17/2023	317772	P	999000	AUREF - Utility Customer Refunds	\$155.20	0	1117231	1013 GILLESPIE ST
11/17/2023	317773	P	999000	AUREF - Utility Customer Refunds	\$13.19	0	1117231	1118 POMPANO CT
11/17/2023	317774	P	999000	AUREF - Utility Customer Refunds	\$140.91	0	1117231	3003 QUEENSGATE DR Apt 165
11/17/2023	317775	P	999000	AUREF - Utility Customer Refunds	\$312.45	0	1117231	1262 BRENTWOOD AVE
11/17/2023	317776	P	30314	BUNNIE AVERY	\$209.51	0	1117231	23-368 AVERY FEDERAL EQUITABLE
11/17/2023	317777	P	10518	BEAVER BARK & ROCK	\$285.73	0	1117231	Finance charge on invoice 1254
11/17/2023	317778	P	10281	BENTON COUNTY	\$13,672.63	0	1117231	COR Work Crew October 2023
11/17/2023	317779	P	10281	BENTON COUNTY	\$220.00	0	1117231	All Area Park Board Meeting PR
11/17/2023	317780	P	10713	BENTON FRANKLIN COMMUNITY ACTION COMMITTEE	\$36,323.96	0	1117231	BFCAC SEPT 2023 TBRA REIMBURSE
11/17/2023	317781	P	30340	BIRKHIMER, RYAN	\$207.62	0	1117231	REIMB BIRKHIMER DAY BOOTS
11/17/2023	317782	P	11778	DSD CAPITAL LLC	\$141.70	0	1117231	" Pol Service-1032 University"
11/17/2023	317783	P	10546	BOUND TREE MEDICAL LLC	\$323.93	0	1117231	CURAPLEX 8' EXTEN SET
11/17/2023	317784	P	11272	BOYD'S TREE SERVICE LLC	\$6,057.22	0	1117231	TREE PRUNING & VEGETATION MANA
11/17/2023	317785	P	11112	CENTURYLINK COMMUNICATIONS LLC	\$121.15	0	1117231	LONG DISTANCE 11/06-12/05/23
11/17/2023	317786	P	10250	CH2O INC	\$71.00	0	1117231	BOILER TESTING WWTF--OCT '23 B
11/17/2023	317787	P	10261	CITY OF RICHLAND	\$5,020.89	0	1117231	UTILITIES 09/09-11/01/23
11/17/2023	317788	P	10261	CITY OF RICHLAND	\$17,686.99	0	1117231	LANDFILL CHARGES - OCTOBER
11/17/2023	317789	P	10261	CITY OF RICHLAND	\$3,684.05	0	1117231	OLSON 2023 NWPMA CONF 10-24-23
11/17/2023	317790	P	31708	CITY OF WALLA WALLA	\$2,400.00	0	1117231	WALLULA TOWER SITE 10/01/2023-
11/17/2023	317791	P	31028	TONI CLARK	\$70.22	0	1117231	REIMB COFFEE FOR CITY-WIDE TRA
11/17/2023	317792	P	11516	COLEMAN OIL COMPANY	\$21,686.96	0	1117231	WEEKLY FUEL CARD 11/6-11/12
11/17/2023	317793	P	11907	SYCURE CORP	\$830.00	0	1117231	1Gbps Fiber Internet Service N
11/17/2023	317794	P	10135	CI SUPPORT LLC	\$89.63	0	1117231	CI SHRED SERVICE:WO CODE 02846
11/17/2023	317795	P	11801	COLUMBIA SAFETY LLC	\$100.00	0	1117231	CPR TRAINING - MITCHELL/FOURNI
11/17/2023	317796	P	10470	COMMERCIAL TIRE INC	\$7,916.87	0	1117231	MOUNT SNOW TIRES VEH#5059 WO#7
11/17/2023	317797	P	31360	COMMONSTREET CONSULTING LLC	\$3,242.50	0	1117231	Gage-Leslie Intersection - Ta
11/17/2023	317798	P	31289	COMMUNICATIONS INTERNATIONAL INC.	\$729.03	0	1117231	XL-185P (RADIO) REPAIR
11/17/2023	317799	P	12380	CONNETIX ENGINEERING, INC	\$251.25	0	1117231	As-Needed Sewer Engineering Su

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/17/2023	317800	P	31848	CONSISTENT CARE SERVICES SPC PS	\$8,320.98	0	1117231	RESOURCE NAVIGATOR REF CONTRAC
11/17/2023	317801	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$180.44	0	1117231	SCADA UPGRADE MATERIALS
11/17/2023	317802	P	10875	CORAL SALES COMPANY	\$11,891.51	0	1117231	Guardrail Attenuator on CPT
11/17/2023	317803	P	11498	CORNELL LAB OF ORNITHOLOGY	\$425.00	0	1117231	1 YEAR SUBSCRIPTION BIRDS OF T
11/17/2023	317804	P	10039	DAILY JOURNAL OF COMMERCE	\$494.40	0	1117231	ITB23-0052 TAPTEAL I BOOSTER P
11/17/2023	317805	P	10365	DAVID EVANS & ASSOCIATES INC	\$317.38	0	1117231	Center Parkway North-Railroad
11/17/2023	317806	P	10139	DEPARTMENT OF ECOLOGY	\$270.00	0	1117231	WASTWATER OPERATOR CERTICATION
11/17/2023	317807	P	30207	ERIC J EDWARDS	\$79.00	0	1117231	23-382 EDWARDS sUAS MEETING RE
11/17/2023	317808	P	11115	ELECTRIC POWER SYSTEMS INC	\$18,008.84	0	1117231	Contract # 193-22; City View S
11/17/2023	317809	P	30216	MIKE EMERICK	\$59.50	0	1117231	REIMB - GAS FOR VEH #2372 STAT
11/17/2023	317810	P	11887	EMPLOYMENT SCREENING SERVICES, INC	\$4,624.78	0	1117231	PRE-EMP SCREENINGS: OCTOBER 20
11/17/2023	317811	P	11044	EWING IRRIGATION PRODUCTS INC	\$830.83	0	1117231	2023 WINTER WONDERLAND PARADE
11/17/2023	317812	P	10268	FEDERAL EXPRESS CORP	\$44.45	0	1117231	PRETRTMNT SAMPLE SHIP 10-23-23
11/17/2023	317813	P	32142	FITCH & ASSOCIATES LLC	\$14,960.50	0	1117231	PROFESSIONAL SVCS RE: SOC STUD
11/17/2023	317814	P	11157	FRONTIER COMMUNICATIONS NORTHWEST, INC.	\$5,088.95	0	1117231	TELEPHONE CHARGES 11/19/23-12/
11/17/2023	317815	P	11157	FRONTIER COMMUNICATIONS NORTHWEST, INC.	\$2,179.58	0	1117231	PHONE LINES 11/10-12/09/23
11/17/2023	317816	P	10220	FRONTIER FENCE INC	\$260.58	0	1117231	PROUT POOL - STORAGE FENCE PAR
11/17/2023	317817	P	30035	GN NORTHERN INC	\$4,696.28	0	1117231	Material Testing & Comp Testin
11/17/2023	317818	P	32106	H&L AUTO GLASS LLC	\$1,870.56	0	1117231	WINDSHIELD REPLACEMENT VEH#334
11/17/2023	317819	P	32125	HD SUPPLY INC	\$744.84	0	1117231	TNT832 HR AMMONIA REAG, TNT831
11/17/2023	317820	P	11286	HILL INTERNATIONAL INC	\$9,463.34	0	1117231	Consultant Agreement - FS 76,
11/17/2023	317821	P	30547	JONATHAN HOLEN	\$138.00	0	1117231	23-383 HOLEN sUAS MEETING RENT
11/17/2023	317822	P	30560	INTERMOUNTAIN LOCK AND SECURITY SUPPLY	\$351.11	0	1117231	RPD STORAGE - LOCK
11/17/2023	317823	P	10290	JIM'S PACIFIC GARAGES INC	\$79.89	0	1117231	BULK TUBE VEH#5039 WO#71164
11/17/2023	317824	P	31660	KELLEY CONNECT CO	\$40.20	0	1117231	STA 73 10/14-2023-11/13/2023 O
11/17/2023	317825	P	31660	KELLEY CONNECT CO	\$172.83	0	1117231	AGREEMENT 112-1835175-000: XER
11/17/2023	317826	P	31378	SOUTHWEST ANSWERING SERVICE INC	\$1,258.56	0	1117231	After Hours Emergency Calls
11/17/2023	317827	P	11667	KENWORTH SALES COMPANY	\$152.79	0	1117231	NUT, STUD WHEEL VEH#3351 WO#71
11/17/2023	317828	P	10298	LN CURTIS & SONS	\$796.21	0	1117231	E6052/E5063 EQUIPMENT
11/17/2023	317829	P	10624	MACKAY SPOSITO INC	\$17,290.52	0	1117231	Shoreline Stabilz & Col. Pt. M
11/17/2023	317830	P	11064	MASCOTT EQUIPMENT CO INC	\$515.56	0	1117231	DEF NOZZLE VEH#3374 WO#70797
11/17/2023	317831	P	10462	MID COLUMBIA FORKLIFT INC	\$962.01	0	1117231	PM SERVICE VEH#7158 WO#71047

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/17/2023	317832	P	31116	BAS INC	\$129.06	0	1117231	RPD HIRING FLYERS QTY 150
11/17/2023	317833	P	10751	CAR WASH PARTNERS INC	\$957.00	0	1117231	CITY CAR WASHES
11/17/2023	317834	P	10083	MONARCH MACHINE & TOOL CO INC	\$1,684.10	0	1117231	Retainage, Contract #385-23
11/17/2023	317835	P	31716	MERCURY ENTERPRISES INC	\$1,217.95	0	1117231	AIRTRAQ SP REGULAR SIZE AND PE
11/17/2023	317836	P	31674	P&F AUTOMOTIVE WAREHOUSE INC	\$1,172.00	0	1117231	NEW BATTERY VEH#2448 WO#71192
11/17/2023	317837	P	30088	NCR PAYMENT SOLUTIONS CORPORATION	\$6,811.68	0	1117231	MERCHANT SERVICE CHARGES OCTOB
11/17/2023	317838	P	30273	NORTHWEST EQUIPMENT SALES, INC	\$238.85	0	1117231	COVER VEH#3352 WO#71079
11/17/2023	317839	P	31638	JESSE OLSON	\$121.76	0	1117231	REMB: MULT DAY HOTEL
11/17/2023	317840	P	11561	ON SCENE MEDICAL SERVICES, P.C.	\$7,159.00	0	1117231	PRE-EMP PHYSICAL: T JUNT, C GE
11/17/2023	317841	P	10357	OXARC INC	\$734.89	0	1117231	Rental Multiple Gas Cylinders
11/17/2023	317842	P	31206	CI - PW LLC	\$188.97	0	1117231	WWTF H/C DISP RENT 5 GAL H2O O
11/17/2023	317843	P	10862	PARAMETRIX INC	\$33,073.97	0	1117231	HORN RAPIDS LANDFILL CLOSURE P
11/17/2023	317844	P	10879	PREMIER LANDSCAPING & DESIGN	\$17,948.54	0	1117231	PROUT POOL - CHLORINE TABS
11/17/2023	317845	P	32273	PROCARE FOR YOU PLLC	\$931.00	0	1117231	PRE-EMP PHYSICAL/AUDIO/TB TEST
11/17/2023	317846	P	31210	LEPS-PSS, PLLC	\$3,450.00	0	1117231	POST COE PSYCH EVAL/SAR: (4))
11/17/2023	317847	P	11055	JAMES E THOEN	\$3,595.84	0	1117231	E5052 & E5063 EQUIPMENT
11/17/2023	317848	P	11012	RH2 ENGINEERING INC	\$6,160.30	0	1117231	WWTP Anaerobic Digester Functi
11/17/2023	317849	P	10957	RICHLAND DOWNTOWN BUSINESS IMPROVEMENT DISTRICT	\$5,396.93	0	1117231	BLRF2023-107 DBID Maintenance
11/17/2023	317850	P	10647	RIVER CITY TOWING INC	\$97.84	0	1117231	RPD TOW CHARGE
11/17/2023	317851	P	12448	ROGERS SURVEYING INC PS	\$1,487.15	0	1117231	ON-CALL SURVEYING SERVICES CON
11/17/2023	317852	P	32215	DE HICKS	\$4,175.00	0	1117231	LEADERSHIP TRAINING
11/17/2023	317853	P	10311	SEA WESTERN INC	\$2,314.11	0	1117231	FD STRUCTURE GLOVES
11/17/2023	317854	P	10744	SENSKE LAWN & TREE CARE INC	\$285.61	0	1117231	WEED CONTROL SERVICES
11/17/2023	317855	P	11563	SMARSH, INC.	\$3,060.35	0	1117231	Smarsh October 2023
11/17/2023	317856	P	10393	STONEWAY ELECTRIC SUPPLY	\$163.03	0	1117231	RPD - STORAGE ELECTRICAL PARTS
11/17/2023	317857	P	10900	SUNBELT RENTALS INC	\$853.84	0	1117231	MINI-EXCVTR AND BUCKET SW POND
11/17/2023	317858	P	32129	SWARCO MCCAIN INC	\$654.92	0	1117231	Telescoping yellow & 90 degree
11/17/2023	317859	P	12430	SYSTEMS DESIGN WEST LLC	\$7,446.72	0	1117231	SEPTEMBER EMS BILLING
11/17/2023	317860	P	11725	T-MOBILE USA INC	\$100.00	0	1117231	RPD GPS LOCATE 23-39694
11/17/2023	317861	P	10961	TACOMA SCREW PRODUCTS INC	\$3.09	0	1117231	10-24X1/4 BUTTON HEAD SOCKET C
11/17/2023	317862	P	31735	MARQUES HARRER	\$1,222.64	0	1117231	RPD UNIFORM SHIRTS/PANTS - LT
11/17/2023	317863	P	32303	COWLES PUBLISHING COMPANY	\$830.82	0	1117231	23-0099RFP . RICHLAND SHALLOW
11/17/2023	317864	P	12054	TRANPO GROUP USA, INC	\$430.00	0	1117231	Downtown Connectivity Design -

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/17/2023	317865	P	10861	TRICOMP INC	\$2,440.00	0	1117231	TRICOMP Fall Focus Advertising
11/17/2023	317866	P	10293	TRI CITY SIGN & BARRICADE	\$1,571.80	0	1117231	WSU TRAIL DAMAGE - SIGN RENTAL
11/17/2023	317867	P	10794	UNITED RENTALS INC	\$5,873.06	0	1117231	Excavator Rental - 3102 Twin B
11/17/2023	317868	P	11131	SANDRA R NINEMIRE	\$977.52	0	1117231	UNIFORM LAUNDRY SERVICE
11/17/2023	317869	P	10106	US LINEN & UNIFORM	\$26.85	0	1117231	RPD TOWL DELIVERY
11/17/2023	317870	P	32307	CLAIRE VENEMA	\$119.67	0	1117231	23-359 VENEMA SOCIAL MEDIA/PIO
11/17/2023	317871	P	10815	WATER SOLUTIONS INC	\$67.39	0	1117231	WATER FILTRATION 11/07-12/06/2
11/17/2023	317872	P	10645	WASHINGTON ECONOMIC DEVELOPMENT ASSOCIATION (WEDA)	\$650.00	0	1117231	2024 ANNUAL MEMBERSHIP MWALLNE
11/17/2023	317873	P	32248	WORLEY GROUP INC	\$11,637.47	0	1117231	USACE - Storm Flow Analysis -
11/17/2023	317874	P	10194	XEROX CORPORATION	\$1,766.39	0	1117231	XEROX LEASE: C8045H/8TB-338231
11/22/2023	317875	P	10247	3M	\$2,085.06	0	1122231	Sign Film
11/22/2023	317876	P	31231	ABM INDUSTRIES INC	\$5,668.40	0	1122231	SATELITE PD STATIONS - JANITOR
11/22/2023	317877	P	10838	GRIGG ENTERPRISES INC	\$171.18	0	1122231	Grinder attachments
11/22/2023	317878	P	12417	AHBL, INC	\$467.50	0	1122231	Traffic Access & Land Use Feas
11/22/2023	317879	P	32117	ALASKA RUBBER GROUP INC	\$361.18	0	1122231	COUPLERS, PLUGS, BUSHINGS FOR
11/22/2023	317880	P	10157	AMERIGAS	\$3,309.44	0	1122231	PROPANE REFILL - SILLUSI
11/22/2023	317881	P	11634	APGN INC	\$2,744.40	0	1122231	REPLACEMENT FILTERS FOR AERATI
11/22/2023	317882	P	31508	APPLIED CONCEPTS INC	\$10,174.32	0	1122231	STALKER LIDARS XLR QTY 4
11/22/2023	317883	P	32232	ARAMSCO INC	\$984.18	0	1122231	10 - 40-50LB BAG BC 2000 YELLO
11/22/2023	317884	P	999000	AUREF - Utility Customer Refunds	\$323.54	0	1122231	305 GREENTREE CT 4
11/22/2023	317885	P	999000	AUREF - Utility Customer Refunds	\$125.42	0	1122231	2550 DUPORTAIL ST M175
11/22/2023	317886	P	999000	AUREF - Utility Customer Refunds	\$141.44	0	1122231	2555 DUPORTAIL ST D231
11/22/2023	317887	P	999000	AUREF - Utility Customer Refunds	\$311.95	0	1122231	1845 PEACH TREE LN D
11/22/2023	317888	P	999000	AUREF - Utility Customer Refunds	\$278.99	0	1122231	601 SNYDER ST
11/22/2023	317889	P	999000	AUREF - Utility Customer Refunds	\$47.53	0	1122231	1850 STEVENS DR 120
11/22/2023	317890	P	999000	AUREF - Utility Customer Refunds	\$37.55	0	1122231	1250 EL MONTE CT
11/22/2023	317891	P	999000	AUREF - Utility Customer Refunds	\$37.29	0	1122231	451 WESTCLIFFE BLVD Apt B214
11/22/2023	317892	P	999000	AUREF - Utility Customer Refunds	\$2.69	0	1122231	2721 KETCH RD
11/22/2023	317893	P	999000	AUREF - Utility Customer Refunds	\$85.89	0	1122231	1202 VAN GIESEN ST
11/22/2023	317894	P	999000	AUREF - Utility Customer Refunds	\$40.70	0	1122231	2406 CAMDEN ST
11/22/2023	317895	P	999000	AUREF - Utility Customer Refunds	\$94.32	0	1122231	2894 SALK AVE Apt 371
11/22/2023	317896	P	11079	AUTOZONE STORES LLC	\$274.79	0	1122231	PARTS CLEANER VEH#7164 WO#7092
11/22/2023	317897	P	10010	BENTON FRANKLIN HEALTH DISTRICT	\$3,178.00	0	1122231	TESTING - TKN, NITRA/NITRI, TT

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/22/2023	317898	P	10468	BLACKSTONE AUDIOBOOKS	\$424.20	0	1122231	LIBRARY MEDIA COLLECTION
11/22/2023	317899	P	30350	BOOTHE, CHAD	\$21.76	0	1122231	REMB MULT HOTEL 23-358
11/22/2023	317900	P	30354	BOTTINEAU, IRMA J	\$429.60	0	1122231	23-372 PW Contracting Laws for
11/22/2023	317901	P	11272	BOYD'S TREE SERVICE LLC	\$9,312.28	0	1122231	TREE PRUNING & VEGETATION MANA
11/22/2023	317902	P	12320	BUILDERS FIRSTSOURCE, INC	\$199.44	0	1122231	40 - 2X4 X 10' STD&BTR DF
11/22/2023	317903	P	31841	CAMPBELL & COMPANY SERVICE CORPORATION	\$1,200.00	0	1122231	621 Meadows Dr E - Maldonado -
11/22/2023	317904	P	10026	CASCADE NATURAL GAS CORP	\$8,106.44	0	1122231	SHOPS 200 - GAS BILL - NOVEMBE
11/22/2023	317905	P	30116	CHRISTENSEN INC	\$502.38	0	1122231	FLEET GREASE
11/22/2023	317906	P	10072	CITY OF KENNEWICK	\$2,117.60	0	1122231	DANIEL TODD BACKGROUND INVESTI
11/22/2023	317907	P	10055	CITY OF PASCO	\$57,055.08	0	1122231	ANIMAL SHELTERING SERVICES OCT
11/22/2023	317908	P	10261	CITY OF RICHLAND	\$195,507.43	0	1122231	CITY UTILITY BILLS/OCT 2023
11/22/2023	317909	P	10261	CITY OF RICHLAND	\$2,515.16	0	1122231	23-358 BOOTHE 2023 NWPMA CONF
11/22/2023	317910	P	11516	COLEMAN OIL COMPANY	\$22,335.46	0	1122231	FLEET GAS RESALE 11/13 - 11/19
11/22/2023	317911	P	10542	FIANDER & ASSOCIATES LLC	\$717.41	0	1122231	2023 FD Fitness Equipment Main
11/22/2023	317912	P	10135	CI SUPPORT LLC	\$80.84	0	1122231	ONSITE SHREDDING WO# 0284655 -
11/22/2023	317913	P	10470	COMMERCIAL TIRE INC	\$12,373.71	0	1122231	O RING VEH#7144 WO#71332
11/22/2023	317914	P	10034	CONSOLIDATED ELECTRICAL DISTRIBUTORS INC	\$585.88	0	1122231	DRILL BITS WTP
11/22/2023	317915	P	32101	CONSTRUCTION GROUP INTERNATIONAL LLC	\$20,391.25	0	1122231	515 GWW Demo & Abate (39-23)
11/22/2023	317916	P	11526	CORWIN OF PASCO LLC	\$77,196.71	0	1122231	V BELT VEH#3329 WO#70748
11/22/2023	317917	P	32331	ELITE BROKERS LLC	\$5,000.00	0	1122231	RED MTN LEASE BROKER FEE
11/22/2023	317918	P	32219	ENERGY PRO INSULATION INC	\$26,780.00	0	1122231	1110 Birch - Jacks - INS Rebat
11/22/2023	317919	P	10821	ENVIRO-CLEAN EQUIPMENT INC	\$53,070.91	0	1122231	ENVIROCLEAN TRANSFER CASE REPL
11/22/2023	317920	P	11044	EWING IRRIGATION PRODUCTS INC	\$183.06	0	1122231	LEE ST TREES - IRRIGATION PART
11/22/2023	317921	P	31170	HIS DIME, LLC	\$518.98	0	1122231	DECALS VEH#3375 VEH#71311
11/22/2023	317922	P	31764	FIBER MARKETING INTERNATIONAL INC	\$400.43	0	1122231	SMALL EQUIP REPAIR - EDGER
11/22/2023	317923	P	10954	LYNNE FOLLETT	\$43.65	0	1122231	TEAM ACTIVITY & MWALLNER LUNCH
11/22/2023	317924	P	31564	FNS COLLISION GROUP INC	\$4,910.65	0	1122231	RHINO LINING VEH#2460 WO#71307
11/22/2023	317925	P	11157	FRONTIER COMMUNICATIONS NORTHWEST, INC.	\$110.87	0	1122231	Guest Internet Charges 10/25/2
11/22/2023	317926	P	10203	W.W. GRAINGER, INC	\$2,722.82	0	1122231	HEADLAMPS - POWER OPS
11/22/2023	317927	P	32106	H&L AUTO GLASS LLC	\$291.77	0	1122231	ROCK CHIP REPAIR VEH#2455 WO#7
11/22/2023	317928	P	31398	H.W. LOCHNER INC	\$44,857.42	0	1122231	SOUTH GWW INTERSECTION IMPROVE
11/22/2023	317929	P	10046	HD FOWLER CO	\$1,167.89	0	1122231	2-BONNET

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/22/2023	317930	P	32330	GARY B HEATON	\$2,250.00	0	1122231	RED MTN LEASE 11/15-12/31/23
11/22/2023	317931	P	10940	INDUSTRIAL HEARING SERVICE INC	\$1,500.00	0	1122231	ANNUAL HEARING TESTING - 10/10
11/22/2023	317932	P	30058	INFOSEND, INC.	\$15,554.71	0	1122231	InfoSend - Utility Statement S
11/22/2023	317933	P	10628	CPM DEVELOPMENT CORPORATION	\$4,028.22	0	1122231	5.10 TON ASPHALT - HMA 100 3/8
11/22/2023	317934	P	10062	IRRIGATION SPECIALISTS INC	\$57.99	0	1122231	LEE ST TREES - IRRIGATION PART
11/22/2023	317935	P	10496	ITRON INC	\$70,822.03	0	1122231	Electricity Meters
11/22/2023	317936	P	10291	JOB'S NURSERY LLC	\$326.10	0	1122231	LEE ST TREES - TREE LOCKS
11/22/2023	317937	P	31660	KELLEY CONNECT CO	\$148.92	0	1122231	Xerox Contract Charges Nov 202
11/22/2023	317938	P	11667	KENWORTH SALES COMPANY	\$457.57	0	1122231	CAB FAN VEH#3366 WO#71305
11/22/2023	317939	P	11199	LIBERTY LAWN & SAW SHOP	\$152.17	0	1122231	HANDHELD BLOWER
11/22/2023	317940	P	10298	LN CURTIS & SONS	\$145.39	0	1122231	ENGINE 5062 & ENGINE 5063 EQUI
11/22/2023	317941	P	11214	MIDWEST LABORATORIES INC	\$465.00	0	1122231	TESTING COR COMPOST ROWS 29-39
11/22/2023	317942	P	10660	MILNE NAIL, POWER TOOL & REPAIR	\$604.20	0	1122231	JONATHAN - PACKOUT SAE KIT
11/22/2023	317943	P	31674	P&F AUTOMOTIVE WAREHOUSE INC	\$125.09	0	1122231	12 - OIL DRY
11/22/2023	317944	P	10153	NORTH COAST ELECTRIC COMPANY	\$376.88	0	1122231	LATHE CIRCUIT BREAKER WTP
11/22/2023	317945	P	31835	THE BUILDING DEPARTMENT LLC	\$48,127.44	0	1122231	NWCP Contract for Professional
11/22/2023	317946	P	10908	NORTHWEST SIGN RECYCLING LLC	\$1,825.12	0	1122231	HYDROSTRIPPING
11/22/2023	317947	P	11863	OGDEN MURPHY WALLACE, PLLC	\$130.00	0	1122231	MATTER NO. 080009 US CELLULAR
11/22/2023	317948	P	31255	PACIFIC GOLF & TURF LLC	\$348.79	0	1122231	LEVER VEH#6605 WO#69920
11/22/2023	317949	P	10971	PARAMOUNT COMMUNICATIONS INC	\$8,652.30	0	1122231	HRR Landfill Outage, Contract
11/22/2023	317950	P	999002	PERMIT REFUND	\$140,205.00	0	1122231	Refund: ROW Deposit for (Contr
11/22/2023	317951	P	999002	PERMIT REFUND	\$200.00	0	1122231	Installed 200A instead of 320A
11/22/2023	317952	P	10611	PITNEY BOWES PURCHASE POWER	\$9,558.03	0	1122231	Postage Purchase Power Septemb
11/22/2023	317953	P	12238	REXEL USA, INC	\$401.57	0	1122231	CIRCUIT BREAKERS FOR WW SAMPLE
11/22/2023	317954	P	31611	PORT OF BENTON	\$59,224.20	0	1122231	2579 Stevens - Port of Benton
11/22/2023	317955	P	32326	BARBARA RANEY	\$89.00	0	1122231	23-371 PW Contracting Laws for
11/22/2023	317956	P	10047	R.D. OFFUTT COMPANY	\$298.71	0	1122231	FILTERS VEH#6616 WO#70611
11/22/2023	317957	P	11488	RWC INTERNATIONAL LTD	\$562.51	0	1122231	ACCEL PEDAL KIT VEH#3294 WO#71
11/22/2023	317958	P	11347	SANDY'S TROPHIES INC	\$141.77	0	1122231	SERVICE PLAQUE: E LINDQUIST
11/22/2023	317959	P	10433	J.R. SETINA MANUFACTURING COMPANY INC.	\$2,523.20	0	1122231	PL UPFIT FENDER WRAPS VEH#1214
11/22/2023	317960	P	32328	SHAW HR CONSULTING INC	\$15,000.00	0	1122231	ADA/ADAAA LEAVE MANAGEMENT TR
11/22/2023	317961	P	31869	KRISTI SMITH	\$1,320.00	0	1122231	NOVEMBER 2023 FIREFIGHTERS SEC
11/22/2023	317962	P	10253	SMITH INSULATION INC	\$4,200.00	0	1122231	202 Endress - Muai - INS Rebat

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/22/2023	317963	P	10649	SNAP ON INCORPORATED	\$83.66	0	1122231	SNAP ON PRYBAR
11/22/2023	317964	P	11785	SOLENIS LLC	\$12,778.20	0	1122231	POLYMER FOR WWTF BFPS AND RDT
11/22/2023	317965	P	10536	SPRAGUE PEST SOLUTIONS	\$398.11	0	1122231	RCC - PEST CONTROL
11/22/2023	317966	P	30049	T.C. SHERRY & ASSOCIATES, P.S.	\$9,971.00	0	1122231	West Village Park - Landscape
11/22/2023	317967	P	10393	STONEWAY ELECTRIC SUPPLY	\$389.48	0	1122231	GROUNDING PLUG, PORTABLE CORDS
11/22/2023	317968	P	11271	STRIPE RITE INC	\$134,534.14	0	1122231	2023 Miscellaneous Striping, C
11/22/2023	317969	P	32247	SYSTEMS FOR PUBLIC SAFETY INC	\$338.00	0	1122231	PL UPFIT ANTENNA VEH#2705
11/22/2023	317970	P	10961	TACOMA SCREW PRODUCTS INC	\$957.87	0	1122231	SHOPS 100 - COOLING TOWER PART
11/22/2023	317971	P	32065	TH GROUP LLC	\$1,260.00	0	1122231	SENIOR PICNIC BUTTONS SOLD AT
11/22/2023	317972	P	31735	MARQUES HARRER	\$522.18	0	1122231	DETECTIVE PATCHES QTY 15
11/22/2023	317973	P	31051	THE GOODYEAR TIRE & RUBBER COMPANY	\$9,280.13	0	1122231	FLAT REPAIR VEH#3342 WO#71175
11/22/2023	317974	P	10027	THE PAPE' GROUP	\$654.00	0	1122231	TEETH PINS, VEH#7157 WO#71205
11/22/2023	317975	P	11771	TOTAL COLLISION AND INJURY CARE LLC	\$130.00	0	1122231	DOT PHYSICAL: G MORRIS
11/22/2023	317976	P	10395	TOTAL ENERGY MANAGEMENT INC	\$1,200.00	0	1122231	1838 Birch - Larson - HP Rebat
11/22/2023	317977	P	31958	TRUCKPRO HOLDING CORPORATION	\$95.52	0	1122231	STUD, HEX WHEEL VEH#4118 WO#71
11/22/2023	317978	P	10794	UNITED RENTALS INC	\$1,655.00	0	1122231	Road Plate and lifting tool cr
11/22/2023	317979	P	10860	VERIZON COMMUNICATIONS INC	\$1,005.75	0	1122231	CELL PHONES 10/07-11/06/23
11/22/2023	317980	P	11374	WASHINGTON ASSOCIATION OF PUBLIC RECORDS OFFICERS	\$25.00	0	1122231	JULIE ANNUAL MEMBERSHIP DUES:
11/22/2023	317981	P	10424	WATTS CONSTRUCTION INC	\$184,844.03	0	1122231	Vantage Highway Pathway Ph2
11/22/2023	317982	P	11846	WESTERN EQUIPMENT & IRRIGATION DISTRIBUTORS	\$1,883.17	0	1122231	SPOON VEH#4000 WO#70905
11/22/2023	317983	P	10059	WESTERN STATES EQUIPMENT COMPANY	\$2,184.97	0	1122231	FILTERS VEH#7166 WO#71118
11/22/2023	317984	P	10267	WSF, LLC	\$6,733.39	0	1122231	HYD FILTERS VEH#3335 WO#70964
11/22/2023	317985	P	31218	WHECO CORPORATION	\$645.07	0	1122231	FLEET REPAIRED CYL LEAK
11/22/2023	317986	P	10147	WILBUR-ELLIS HOLDINGS II, INC	\$7,784.34	0	1122231	ESPLANADE/DIMENSION/RANGER PRO
11/22/2023	317987	P	10194	XEROX CORPORATION	\$368.59	0	1122231	3UA-295969 09/21/23-10/21/23
11/27/2023	317988	P	10802	GARTH HATCH, DDS & CHAD DAWSON, DDS, PLLC	\$425.00	0	112723FP	NON COVERED DENTAL
11/27/2023	317989	P	10040	DANNY DOWNS	\$220.00	0	112723FP	NON COVERED DENTAL
11/27/2023	317990	P	10054	HEASTON & THOMPSON VISION CLINIC	\$1,590.00	0	112723FP	NON COVERED VISION
11/27/2023	317991	P	32332	ELLIS ZHANG PLLC	\$119.00	0	112723FP	NON COVERED DENTAL
11/27/2023	317992	P	10170	RANDY H CARPER	\$60.22	0	112723PP	NON COVERED VISION
11/27/2023	317993	P	10167	MIKE CASE	\$353.88	0	112723PP	NON COVERED RX
11/27/2023	317994	P	10304	HAN AND ROSE PLLC	\$69.84	0	112723PP	NON COVERED DENTAL

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/27/2023	317995	P	10028	WILL J CLEAVENGER	\$212.00	0	112723PP	NON COVERED DENTAL
11/27/2023	317996	P	10338	FAMILY EYE CARE	\$1,130.00	0	112723PP	NON COVERED VISION
11/27/2023	317997	P	32335	CHARLES L HEATON MDPA	\$45.00	0	112723PP	NON COVERED VISION
11/27/2023	317998	P	10119	WILLIAM TANNER	\$195.99	0	112723PP	NON COVERED RX
11/27/2023	317999	P	10332	RANDAL L TAYLOR	\$218.00	0	112723PP	NON COVERED DENTAL
11/27/2023	318000	P	10800	ROY TURNER	\$79.95	0	112723PP	NON COVERED VISION
11/27/2023	318001	P	32123	TRI-CITIES SELF STORAGE LLC	\$225.00	0	1127231	Fitness Court Storage-Dec 2023
11/27/2023	318002	P	31680	WOLVERINE WEST LLC	\$13,100.00	0	1127231	Winter Wonderland Pyro Contrac
11/29/2023	318003	P	31318	A WORKSAFE SERVICE INC	\$605.00	0	1129231	DOT/PRE-EMP DRUG TESTING: (5)
11/29/2023	318004	P	10838	GRIGG ENTERPRISES INC	\$219.49	0	1129231	Screws for MPP Shop
11/29/2023	318005	P	11078	ADVANCED PAGING & COMMUNICATIONS INC	\$7,163.94	0	1129231	ICOM F7010/F7510 RADIOS FOR 50
11/29/2023	318006	P	10705	INTERSTATE CONCRETE & ASPHALT COMPANY	\$5,498.99	0	1129231	BRENTWOOD - GATE CONCRETE
11/29/2023	318007	P	10601	APPLIED INDUSTRIAL TECH INC	\$704.23	0	1129231	BALL BEARINGS VEH#5038 WO#7142
11/29/2023	318008	P	31687	ARTHUR J GALLAGHER RISK MANAGEMENT SERVICES INC	\$431.00	0	1129231	2023-24 RENEWAL BILLING: SELF
11/29/2023	318009	P	11230	NAT'L INSTITUTE FOR AUTOMOTIVE SERVICE EXCELLENCE	\$419.64	0	1129231	ASE TESTING L.CORIA,A.MORENO
11/29/2023	318010	P	32310	BITS SMART STRIP LLC	\$3,087.51	0	1129231	7 Thermostats & 7 Plugs Rebate
11/29/2023	318011	P	31841	CAMPBELL & COMPANY SERVICE CORPORATION	\$20,168.16	0	1129231	1918 McMurray - Mexay - HP Reb
11/29/2023	318012	P	11685	CARDINAL HEALTH 130, LLC	\$1,167.16	0	1129231	MEDICAL SUPPLIES
11/29/2023	318013	P	10026	CASCADE NATURAL GAS CORP	\$10,013.10	0	1129231	RPD NATURAL GAS USAGE THRU 11/
11/29/2023	318014	P	10123	CASCADE TITLE COMPANY	\$103.27	0	1129231	Lender's Policy Fee
11/29/2023	318015	P	10261	CITY OF RICHLAND	\$1,328.04	0	1129231	23-323 BREWER PAC NW PRETRTMNT
11/29/2023	318016	P	10261	CITY OF RICHLAND	\$9,200.00	0	1129231	2515 Davison - Carter - L-I HP
11/29/2023	318017	P	11516	COLEMAN OIL COMPANY	\$26,476.43	0	1129231	WEEKLY CARD LOCK 11/20 - 11/2
11/29/2023	318018	P	32336	COLUMBIA INDUSTRIES	\$1,956.60	0	1129231	PRIMETIME GRANT STORYTIME DINN
11/29/2023	318019	P	10509	COMPUTER DISCOUNT WAREHOUSE	\$25,437.15	0	1129231	SR-39, 2023 Secret Server Pro
11/29/2023	318020	P	999014	CONSERVATION REBATES	\$880.00	0	1129231	2469 Queensgate - Lifetime Den
11/29/2023	318021	P	12494	CONSOR NORTH AMERICA INC	\$6,962.50	0	1129231	WWTF AERATION BASIN #2 RETROFI
11/29/2023	318022	P	31113	CONWAY DATA, INC.	\$3,000.00	0	1129231	FULL PAGE AD 2023 WASHINGTON G
11/29/2023	318023	P	10139	DEPARTMENT OF ECOLOGY	\$135.00	0	1129231	WW OPS CERT RENEWAL 2024 REICH
11/29/2023	318024	P	11226	DGR GRANT CONSTRUCTION INC	\$593,543.40	0	1129231	Fire Station 76 Progressive De
11/29/2023	318025	P	31686	DKS ASSOCIATES	\$3,990.00	0	1129231	Speed Limit Setting & Policy S

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/29/2023	318026	P	10801	DOMESTIC VIOLENCE SVCS OF BNTN & FRNKLN COUNTIES	\$888.50	0	1129231	DV ADVOCACY SERVICES OCT 2023
11/29/2023	318027	P	31652	ECOMODUS LLC	\$1,860.00	0	1129231	2939 Richardson - Port of Bent
11/29/2023	318028	P	10146	ENERGY NORTHWEST	\$360.00	0	1129231	Environmental Sampling Nitrate
11/29/2023	318029	P	11044	EWING IRRIGATION PRODUCTS INC	\$25,056.16	0	1129231	LEE ST TREES - IRRIGATION PART
11/29/2023	318030	P	11264	FINANCIAL CONSULTING SOLUTIONS GROUP INC.	\$10,442.50	0	1129231	Solid Waste Rate Update - 87-2
11/29/2023	318031	P	10220	FRONTIER FENCE INC	\$9,918.88	0	1129231	2023 City-wide Fence Services
11/29/2023	318032	P	31715	GENERAL PACIFIC INC	\$2,675.85	0	1129231	7 Thermostats & 7 Plugs Rebate
11/29/2023	318033	P	10046	HD FOWLER CO	\$5,144.47	0	1129231	BRASS FITTINGS, COPPER & PE TU
11/29/2023	318034	P	11813	HERC RENTALS INC	\$2,090.31	0	1129231	BOOM - WWL
11/29/2023	318035	P	10294	HORIZON DISTRIBUTION INC	\$1,390.86	0	1129231	HORIZON MISC SUPPLIES
11/29/2023	318036	P	12200	HUGHES FIRE EQUIPMENT, INC	\$700.08	0	1129231	PUMP VALVE GASKET VEH#5039 WO#
11/29/2023	318037	P	10628	CPM DEVELOPMENT CORPORATION	\$10.01	0	1129231	SCALE WEIGHT FOR WW TRAILER 08
11/29/2023	318038	P	10290	JIM'S PACIFIC GARAGES INC	\$1,822.13	0	1129231	KING PIN RENEWAL VEH#3337 WO#7
11/29/2023	318039	P	31350	JOHNSON BARROW INC	\$760.90	0	1129231	CITY HALL - CONDENSER FAN
11/29/2023	318040	P	11199	LIBERTY LAWN & SAW SHOP	\$2,791.39	0	1129231	FD - CHAINSAWS
11/29/2023	318041	P	10624	MACKAY SPOSITO INC	\$11,435.19	0	1129231	Horn Rapids Master Plan Update
11/29/2023	318042	P	30778	MAINE, JONATHAN	\$136.00	0	1129231	Reimbursement for CDL Renewal
11/29/2023	318043	P	30786	JOHN MARQUEZ	\$7.82	0	1129231	23-367 MARQUEZ SWANA MOLO Trai
11/29/2023	318044	P	10093	MCCURLEY INTEGRITY DEALERSHIPS, LLC	\$1,242.69	0	1129231	ROTORS, PADS, VEH#2455 WO#7131
11/29/2023	318045	P	11576	MERCER (US) INC	\$10,729.16	0	1129231	2023 Benefits Consulting & Bro
11/29/2023	318046	P	11600	MICHAEL D. TERRELL	\$5,592.32	0	1129231	Badger Mountain East Loop Trai
11/29/2023	318047	P	10083	MONARCH MACHINE & TOOL CO INC	\$286.70	0	1129231	COVER PLATE VEH#3321 WO#71093
11/29/2023	318048	P	10358	MOON SECURITY SERVICES INC	\$654.21	0	1129231	MULTIPLE - FIRE MONITORING - D
11/29/2023	318049	P	31674	P&F AUTOMOTIVE WAREHOUSE INC	\$1,932.44	0	1129231	BATTERY VEH#1385 WO#71418
11/29/2023	318050	P	30273	NORTHWEST EQUIPMENT SALES, INC	\$3,359.14	0	1129231	WIRING HARNESS VEH#3351 WO#712
11/29/2023	318051	P	10472	OCLC INC	\$1,591.44	0	1129231	FIRST SEARCH OCLC YEARLY RENEW
11/29/2023	318052	P	12460	OFFICE DEPOT LLC	\$95.60	0	1129231	BUSINESS CARDS - 4 LIBRARY EMP
11/29/2023	318053	P	31206	CI - PW LLC	\$34.75	0	1129231	Water Landfill 11/21/23
11/29/2023	318054	P	10862	PARAMETRIX INC	\$5,516.55	0	1129231	HR Landfill Ph1 Landfill Gas C
11/29/2023	318055	P	10611	PITNEY BOWES PURCHASE POWER	\$5,554.47	0	1129231	Postage Purhcase Power 112023
11/29/2023	318056	P	10879	PREMIER LANDSCAPING & DESIGN	\$3,893.79	0	1129231	2023 City-wide Pool Services (
11/29/2023	318057	P	32334	PROJECT MANAGEMENT INSTITUTE INC	\$495.00	0	1129231	Jonathan Dickey PMP Certificat

Accounts Payable Checks

11/1/2023 - 11/30/2023

CHECK DATE	CHECK NBR	VOID	VENDOR#	EMP VENDOR NAME	CHECK AMT	VOID AMT	WARRANT	COMMENT
11/29/2023	318058	P	32327	EDGAR GUIZAR	\$2,063.12	0	1129231	CERAMIC COATING VEH#3333 WO#71
11/29/2023	318059	P	10047	R.D. OFFUTT COMPANY	\$756.94	0	1129231	FILTERS VEH#6630 WO#71225
11/29/2023	318060	P	11012	RH2 ENGINEERING INC	\$4,427.73	0	1129231	CENTER PARKWAY SOUTH-ENVIRONME
11/29/2023	318061	P	31556	TINA RITCHIE	\$31.36	0	1129231	Mileage from Landfill 10/2023
11/29/2023	318062	P	10647	RIVER CITY TOWING INC	\$712.55	0	1129231	RPD TOW CHARGE
11/29/2023	318063	P	11488	RWC INTERNATIONAL LTD	\$1,204.00	0	1129231	CHECK ENG LIGHT VEH#3294 WO#71
11/29/2023	318064	P	10433	J.R. SETINA MANUFACTURING COMPANY INC.	\$992.97	0	1129231	PUSH BUMPER VEH#2486 WO#71448
11/29/2023	318065	P	10410	SHANNON & WILSON INC	\$2,481.05	0	1129231	WETLAND MONITORING 221-19
11/29/2023	318066	P	10536	SPRAGUE PEST SOLUTIONS	\$243.63	0	1129231	STATION 74 - PEST CONTROL
11/29/2023	318067	P	30049	T.C. SHERRY & ASSOCIATES, P.S.	\$3,628.75	0	1129231	S. Orchard Master Planning Des
11/29/2023	318068	P	10118	STEEBER'S LOCK SERVICE	\$67.26	0	1129231	KEYED LOCKS FOR STORAGE BINS
11/29/2023	318069	P	10359	US LINEN & UNIFORM	\$856.51	0	1129231	LIBRARY CLOTHING ORDER
11/29/2023	318070	P	10961	TACOMA SCREW PRODUCTS INC	\$42.76	0	1129231	BALL JOINTS VEH#3344 WO#71185
11/29/2023	318071	P	31735	MARQUES HARRER	\$2,579.33	0	1129231	RPD SGT COLLAR BRASS FOR SHADO
11/29/2023	318072	P	11341	THE FAB SHOP LLC	\$1,580.64	0	1129231	CHAIN VEH#6569 WO#71084
11/29/2023	318073	P	10027	THE PAPE' GROUP	\$10,037.56	0	1129231	JOHN DEERE ONSITE VISIT TO REP
11/29/2023	318074	P	10642	SIRJMR INC	\$344.40	0	1129231	RPD COFFEE DELIVERY & COOLER R
11/29/2023	318075	P	10861	TRICOMP INC	\$750.00	0	1129231	NOVEMBER TOP BANNER AD
11/29/2023	318076	P	10126	TRI CITIES BATTERY & AUTO REPAIR	\$514.50	0	1129231	12 Volt 5AH TI Terminal SLA Ba
11/29/2023	318077	P	11175	TYNDALE ENTERPRISES INC	\$3,085.29	0	1129231	2023 FR CLOTHING PER SEATTLE C
11/29/2023	318078	P	10106	US LINEN & UNIFORM	\$26.85	0	1129231	RPD TOWEL DELIVERY
11/29/2023	318079	P	30838	AMANDA WALLNER	\$22.35	0	1129231	MWALLNER STAFF TEAM ACTIVITY R
11/29/2023	318080	P	999003	WASTEWORX REFUND	\$281.54	0	1129231	Ref WW acct,should go to diff
11/29/2023	318081	P	10059	WESTERN STATES EQUIPMENT COMPANY	\$35.05	0	1129231	FITTINGS VEH#3339 WO#70867
11/29/2023	318082	P	30939	DOBBS HEAVY DUTY HOLDINGS LLC	\$10,024.92	0	1129231	DOBBS PETERBILT FRONT-END REPA
11/29/2023	318083	P	10194	XEROX CORPORATION	\$1,431.41	0	1129231	RPD 3UA-295577 BASE CHG: NOV;
					\$6,643,406.15	\$191.52		

Accounts Payable Wires 11/1/2023 - 11/30/2023

DATE	WIRE #	WIRE AMT	EMP VENDOR NAME	PURPOSE	WIRE ACH
11/01/2023	9797	48,908.85	WA STATE DEPARTMENT OF REVENUE	LEASEHOLD TAX-3RD QTR 2023	W
11/01/2023	9798	5,779,943.67	US BANK ST PAUL	DEBT SERVICE NOVEMBER 2023	W
11/02/2023	9799	5,515.76	PAYMENT PROCESSING INC	Landfill Merchant Services Fee	W
11/02/2023	9800	159.76	BANK OF AMERICA	Library Merchant Service Fees	W
11/02/2023	9801	71.40	PAYMENT PROCESSING INC	MUNIS Merchant Services Fees	W
11/02/2023	9802	500,000.00	LGIP LOCAL GOVERNMENT INVESTMENT POOL	PURCHASE LGIP #1920	W
11/02/2023	9803	375.00	BANK OF AMERICA	DEPOSIT SUPPLIES	W
11/07/2023	9804	275,826.25	CIGNA HEALTH AND LIFE INSURANCE COMPANY	Medical Claims 10/30-11/05/23	W
11/07/2023	9805	7,058.98	CORVEL CORPORATION	October 2023 Admin/Claims	W
11/07/2023	9806	393.75	A.W. REHN & ASSOCIATES INC	October 2023 Admin Fees	W
11/07/2023	9807	3,762.00	4MYBENEFITS, INC	November 2023 Admin Fee/2024 A	W
11/07/2023	9808	205.54	UNIFYHR LLC	FSA deduction on 11/07/23	W
11/07/2023	9809	3,188.86	UNIFYHR LLC	FSA deduction on 11/7/23	W
11/07/2023	9810	34,614.39	NW INTERGOVERNMENTAL ENERGY SUPPLY	Loss Returns, Scheduling Srvc	W
11/07/2023	9811	2,392.00	WASHINGTON STATE TREASURER	State Share of CPL	W
11/08/2023	9812	900,000.00	LGIP LOCAL GOVERNMENT INVESTMENT POOL	PURCHASE LGIP # 1920	W
11/08/2023	9813	182,766.06	RICHLAND GOLF MANAGEMENT CORPORATION	CPGC Operating Reimbursement -	W
11/13/2023	9814	500,000.00	LGIP LOCAL GOVERNMENT INVESTMENT POOL	PURCHASE LGIP #1920	W
11/15/2023	9815	84,777.64	CORVEL CORPORATION	Nov 1-14 2023 Claims	W
11/14/2023	9816	700,000.00	LGIP LOCAL GOVERNMENT INVESTMENT POOL	PURCHASE LGIP #1920	W
11/14/2023	9817	1,947.41	UNIFYHR LLC	FSA deduction on 11/14/23	W
11/16/2023	9818	179,292.08	CIGNA HEALTH AND LIFE INSURANCE COMPANY	Medical Claims 11/6-11/12/23	W
11/27/2023	9819	354,286.23	WA STATE DEPARTMENT OF REVENUE	COMBINED EXCISE TAX - OCTOBER	W
11/24/2023	9820	167,244.06	BANK OF AMERICA	OCTOBER 2023 PCARD	W
11/17/2023	9821	3,000,000.00	LGIP LOCAL GOVERNMENT INVESTMENT POOL	PURCHASE LGIP #1920	W
11/20/2023	9822	37,866.99	PAYMENTUS CORPORATION	Merchant Service Fees	W
11/22/2023	9823	154,769.95	CIGNA HEALTH AND LIFE INSURANCE COMPANY	Medical Claims 11/13-11/19/23	W
11/22/2023	9824	18,946.80	CIGNA HEALTH AND LIFE INSURANCE COMPANY	November 2023 Admin Fees	W
11/22/2023	9825	67,215.89	QBE INSURANCE CORPORATION	November 2023 Stop Loss	W

Accounts Payable Wires 11/1/2023 - 11/30/2023

DATE	WIRE #	WIRE AMT	EMP VENDOR NAME	PURPOSE	WIRE ACH
11/22/2023	9826	133,178.65	LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS	Dec 2023 Premium	W
11/22/2023	9827	16,741.38	SUN LIFE ASSURANCE COMPANY OF CANADA	November 2023 Premium	W
11/28/2023	9828	110,875.47	CIGNA HEALTH AND LIFE INSURANCE COMPANY	Medical Claims 11/20-11/26/23	W
11/28/2023	9829	114,852.16	CORVEL CORPORATION	Claims 11/15/23-11/22/23	W
11/28/2023	9830	2,496.00	4MYBENEFITS, INC	December 2023 Admin Fees	W
11/28/2023	9831	338.00	UNIFYHR LLC	November 2023 Admin Fees	W
11/21/2023	9832	1,170.24	UNIFYHR LLC	FSA deduction on 11/21/23	W
11/21/2023	9833	748.05	UNIFYHR LLC	FSA deduction on 11/21/23	W
11/24/2023	9834	62.73	VISION SERVICE PLAN (WA)	Monthly Inv Nov-23 (partial pm	W
11/28/2023	9835	3,570,518.00	BONNEVILLE POWER ADMINISTRATION	OCT23-PAT01-10089	W
11/28/2023	9836	2,669.73	UNIFYHR LLC	FSA DEDUCTION ON 11/28/23	W
11/28/2023	9837	2,634.49	UNIFYHR LLC	FSA deduction on 11/28/23	W
11/29/2023	9838	9,074.94	VISION SERVICE PLAN (WA)	Monthly Invoice Nov-23	W
TOTAL WIRE		\$16,976,889.16			

Payroll Wires and ACH 11/1/2023 thru 11/30/2023

Effective Date	WIRE/ACH	VENDOR	PAYEE	AMOUNT	comment
11/09/2023	13675	10231	UNITED WAY OF BENTON & FRANKLIN COUNTIES	\$186.15	
11/09/2023	13676	10286	WA STATE DEPT OF RETIREMENT SYSTEMS	\$306,797.03	
11/09/2023	13677	10348	INTERNATIONAL CITY MANAGEMENT ASSOCIATION	\$199,786.13	
11/09/2023	13678	10460	STATE OF WASHINGTON EMPLOYMENT SECURITY DEPT	\$21,995.59	
11/09/2023	13679	10573	A.W. REHN & ASSOCIATES INC	\$25,875.00	
11/09/2023	13680	10646	INTERNATIONAL ASSN OF FIRE FIGHTERS	\$9,096.91	
11/09/2023	13681	10696	UNITED STATES TREASURY	\$407,042.83	
11/09/2023	13682	10698	RICHLAND POLICE GUILD	\$8,168.00	
11/09/2023	13683	10699	IUOE LOCAL #280	\$6,290.50	
11/09/2023	13684	10700	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS	\$4,588.40	
11/09/2023	13685	10702	DIVISION OF CHILD SUPPORT	\$2,554.29	
11/09/2023	13686	10736	CITY OF RICHLAND	\$6,656.80	
11/09/2023	13687	10782	CITY OF RICHLAND DEPENDENT CARE RE	\$961.32	
11/09/2023	13688	10783	CITY OF RICHLAND MEDICAL DENTAL VISION	\$518,514.12	
11/09/2023	13689	10784	CITY OF RICHLAND UNEMPLOYMENT	\$3,085.45	
11/09/2023	13690	10785	CITY OF RICHLAND WORKER'S COMPENSA	\$43,979.74	
11/09/2023	13691	10786	CITY OF RICHLAND CIGNA DISABILITY	\$3,527.94	
11/09/2023	13692	10787	CITY OF RICHLAND CIGNA LIFE	\$5,784.24	
11/09/2023	13693	10788	CITY OF RICHLAND CIGNA OPTIONAL AD	\$1,669.56	
11/09/2023	13694	10789	CITY OF RICHLAND CIGNA BASIC AD&D	\$1,237.91	
11/09/2023	13695	10790	CITY OF RICHLAND CIGNA DEPENDENT L	\$158.00	
11/09/2023	13696	10791	CITY OF RICHLAND ER POST RETIREMENT	\$45,792.00	
11/09/2023	13697	10792	CITY OF RICHLAND ER MEDICAL INS PR	\$17,808.00	
11/09/2023	13698	10984	NATIONWIDE RETIREMENT SOLUTIONS	\$37,309.28	
11/09/2023	13699	53342	PROVIDENT LIFE	\$4,233.46	
			EFFECTIVE DATE TOTAL	\$1,683,098.65	
11/22/2023	13700	10231	UNITED WAY OF BENTON & FRANKLIN COUNTIES	\$131.15	
11/22/2023	13701	10286	WA STATE DEPT OF RETIREMENT SYSTEMS	\$341,567.12	
11/22/2023	13702	10348	INTERNATIONAL CITY MANAGEMENT ASSOCIATION	\$225,870.87	
11/22/2023	13703	10460	STATE OF WASHINGTON EMPLOYMENT SECURITY DEPT	\$25,050.72	
11/22/2023	13704	10646	INTERNATIONAL ASSN OF FIRE FIGHTERS	\$9,096.91	
11/22/2023	13705	10696	UNITED STATES TREASURY	\$500,264.22	
11/22/2023	13706	10702	DIVISION OF CHILD SUPPORT	\$2,554.29	
11/22/2023	13707	16364	IAFF WSCFF EE MEDICAL REIMBURSEMENT	\$10,875.00	
11/22/2023	13708	10736	CITY OF RICHLAND	\$6,852.41	

Payroll Wires and ACH 11/1/2023 thru 11/30/2023

Effective Date	WIRE/ACH	VENDOR	PAYEE	AMOUNT	comment
11/22/2023	13709	10782	CITY OF RICHLAND DEPENDENT CARE RE	\$1,377.99	
11/22/2023	13710	10783	CITY OF RICHLAND MEDICAL DENTAL VISION	\$464,432.79	
11/22/2023	13711	10784	CITY OF RICHLAND UNEMPLOYMENT	\$3,659.91	
11/22/2023	13712	10785	CITY OF RICHLAND WORKER'S COMPENSA	\$50,335.93	
11/22/2023	13713	10786	CITY OF RICHLAND CIGNA DISABILITY	\$3,563.55	
11/22/2023	13714	10787	CITY OF RICHLAND CIGNA LIFE	\$46.13	
11/22/2023	13715	10789	CITY OF RICHLAND CIGNA BASIC AD&D	\$9.87	
11/22/2023	13716	10790	CITY OF RICHLAND CIGNA DEPENDENT L	\$1.60	
11/22/2023	13717	10984	NATIONWIDE RETIREMENT SOLUTIONS	\$38,068.27	
11/22/2023	13718	31408	AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS	\$5,317.39	
11/22/2023	13719	31409	NATIONWIDE	\$987.79	
11/22/2023	13720	31410	ARAG	\$622.75	
11/22/2023	13721	31411	ALLSTATE	\$733.50	
11/22/2023	13722	53342	PROVIDENT LIFE	\$4,343.96	
11/22/2023	13723	53343	SUN LIFE OPTIONAL LIFE INS	\$6,880.70	
			EFFECTIVE DATE TOTAL	\$1,702,644.82	
11/30/2023	13724	10696	UNITED STATES TREASURY	\$913.59	
			EFFECTIVE DATE TOTAL	\$913.59	
Total			WIRE TOTAL FOR SELECTED TIME PERIOD	\$3,386,657.06	

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215624		0		\$2299.92	0
PAYROLL - 2023-11-09	11/9/2023	215625		0		\$3471.21	0
PAYROLL - 2023-11-09	11/9/2023	215626		0		\$1189.94	0
PAYROLL - 2023-11-09	11/9/2023	215627		0		\$1601.81	0
PAYROLL - 2023-11-09	11/9/2023	215628		0		\$2152.96	0
PAYROLL - 2023-11-09	11/9/2023	215629		0		\$4558.66	0
PAYROLL - 2023-11-09	11/9/2023	215630		0		\$1585.47	0
PAYROLL - 2023-11-09	11/9/2023	215631		0		\$2027.95	0
PAYROLL - 2023-11-09	11/9/2023	215632		0		\$379.74	0
PAYROLL - 2023-11-09	11/9/2023	215633		0		\$1651.46	0
PAYROLL - 2023-11-09	11/9/2023	215634		0		\$2225.32	0
PAYROLL - 2023-11-09	11/9/2023	215635		0		\$2768.48	0
PAYROLL - 2023-11-09	11/9/2023	215636		0		\$2649.36	0
PAYROLL - 2023-11-09	11/9/2023	215637		0		\$5241.09	0
PAYROLL - 2023-11-09	11/9/2023	215638		0		\$6975.04	0
PAYROLL - 2023-11-09	11/9/2023	215639		0		\$5173.49	0
PAYROLL - 2023-11-09	11/9/2023	215640		0		\$1911.27	0
PAYROLL - 2023-11-09	11/9/2023	215641		0		\$1893.50	0
PAYROLL - 2023-11-09	11/9/2023	215642		0		\$1252.28	0
PAYROLL - 2023-11-09	11/9/2023	215643		0		\$1125.11	0
PAYROLL - 2023-11-09	11/9/2023	215644		0		\$1522.24	0
PAYROLL - 2023-11-09	11/9/2023	215645		0		\$1815.56	0
PAYROLL - 2023-11-09	11/9/2023	215646		0		\$1854.45	0
PAYROLL - 2023-11-09	11/9/2023	215647		0		\$1168.92	0
PAYROLL - 2023-11-09	11/9/2023	215648		0		\$2103.48	0
PAYROLL - 2023-11-09	11/9/2023	215649		0		\$1189.48	0
PAYROLL - 2023-11-09	11/9/2023	215650		0		\$1118.92	0
PAYROLL - 2023-11-09	11/9/2023	215651		0		\$373.90	0
PAYROLL - 2023-11-09	11/9/2023	215652		0		\$2037.72	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215653		0		\$1252.82	0
PAYROLL - 2023-11-09	11/9/2023	215654		0		\$1252.82	0
PAYROLL - 2023-11-09	11/9/2023	215655		0		\$1632.51	0
PAYROLL - 2023-11-09	11/9/2023	215656		0		\$1212.13	0
PAYROLL - 2023-11-09	11/9/2023	215657		0		\$2788.95	0
PAYROLL - 2023-11-09	11/9/2023	215658		0		\$1634.08	0
PAYROLL - 2023-11-09	11/9/2023	215659		0		\$1730.57	0
PAYROLL - 2023-11-09	11/9/2023	215660		0		\$1218.90	0
PAYROLL - 2023-11-09	11/9/2023	215661		0		\$1767.30	0
PAYROLL - 2023-11-09	11/9/2023	215662		0		\$1737.73	0
PAYROLL - 2023-11-09	11/9/2023	215663		0		\$1445.27	0
PAYROLL - 2023-11-09	11/9/2023	215664		0		\$1892.95	0
PAYROLL - 2023-11-09	11/9/2023	215665		0		\$1398.93	0
PAYROLL - 2023-11-09	11/9/2023	215666		0		\$1170.33	0
PAYROLL - 2023-11-09	11/9/2023	215667		0		\$1205.26	0
PAYROLL - 2023-11-09	11/9/2023	215668		0		\$1984.64	0
PAYROLL - 2023-11-09	11/9/2023	215669		0		\$1231.37	0
PAYROLL - 2023-11-09	11/9/2023	215670		0		\$1556.60	0
PAYROLL - 2023-11-09	11/9/2023	215671		0		\$1454.92	0
PAYROLL - 2023-11-09	11/9/2023	215672		0		\$1253.67	0
PAYROLL - 2023-11-09	11/9/2023	215673		0		\$1652.13	0
PAYROLL - 2023-11-09	11/9/2023	215674		0		\$1755.90	0
PAYROLL - 2023-11-09	11/9/2023	215675		0		\$1885.21	0
PAYROLL - 2023-11-09	11/9/2023	215676		0		\$1252.82	0
PAYROLL - 2023-11-09	11/9/2023	215677		0		\$2018.83	0
PAYROLL - 2023-11-09	11/9/2023	215678		0		\$1082.41	0
PAYROLL - 2023-11-09	11/9/2023	215679		0		\$2581.24	0
PAYROLL - 2023-11-09	11/9/2023	215680		0		\$1658.90	0
PAYROLL - 2023-11-09	11/9/2023	215681		0		\$2333.22	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215682		0		\$4782.52	0
PAYROLL - 2023-11-09	11/9/2023	215683		0		\$2662.86	0
PAYROLL - 2023-11-09	11/9/2023	215684		0		\$2524.77	0
PAYROLL - 2023-11-09	11/9/2023	215685		0		\$4655.89	0
PAYROLL - 2023-11-09	11/9/2023	215686		0		\$1724.74	0
PAYROLL - 2023-11-09	11/9/2023	215687		0		\$1637.22	0
PAYROLL - 2023-11-09	11/9/2023	215688		0		\$1715.42	0
PAYROLL - 2023-11-09	11/9/2023	215689		0		\$1328.81	0
PAYROLL - 2023-11-09	11/9/2023	215690		0		\$2193.67	0
PAYROLL - 2023-11-09	11/9/2023	215691		0		\$1758.34	0
PAYROLL - 2023-11-09	11/9/2023	215692		0		\$2599.61	0
PAYROLL - 2023-11-09	11/9/2023	215693		0		\$1464.91	0
PAYROLL - 2023-11-09	11/9/2023	215694		0		\$2840.87	0
PAYROLL - 2023-11-09	11/9/2023	215695		0		\$1566.21	0
PAYROLL - 2023-11-09	11/9/2023	215696		0		\$1568.72	0
PAYROLL - 2023-11-09	11/9/2023	215697		0		\$1650.41	0
PAYROLL - 2023-11-09	11/9/2023	215698		0		\$1770.66	0
PAYROLL - 2023-11-09	11/9/2023	215699		0		\$2269.14	0
PAYROLL - 2023-11-09	11/9/2023	215700		0		\$1876.22	0
PAYROLL - 2023-11-09	11/9/2023	215701		0		\$1666.01	0
PAYROLL - 2023-11-09	11/9/2023	215702		0		\$1750.43	0
PAYROLL - 2023-11-09	11/9/2023	215703		0		\$2207.93	0
PAYROLL - 2023-11-09	11/9/2023	215704		0		\$2121.02	0
PAYROLL - 2023-11-09	11/9/2023	215705		0		\$1333.95	0
PAYROLL - 2023-11-09	11/9/2023	215706		0		\$2794.18	0
PAYROLL - 2023-11-09	11/9/2023	215707		0		\$1788.20	0
PAYROLL - 2023-11-09	11/9/2023	215708		0		\$1495.91	0
PAYROLL - 2023-11-09	11/9/2023	215709		0		\$2463.71	0
PAYROLL - 2023-11-09	11/9/2023	215710		0		\$1881.59	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215711		0		\$1749.71	0
PAYROLL - 2023-11-09	11/9/2023	215712		0		\$1813.78	0
PAYROLL - 2023-11-09	11/9/2023	215713		0		\$1907.46	0
PAYROLL - 2023-11-09	11/9/2023	215714		0		\$1532.33	0
PAYROLL - 2023-11-09	11/9/2023	215715		0		\$1786.26	0
PAYROLL - 2023-11-09	11/9/2023	215716		0		\$1791.32	0
PAYROLL - 2023-11-09	11/9/2023	215717		0		\$2114.53	0
PAYROLL - 2023-11-09	11/9/2023	215718		0		\$1549.50	0
PAYROLL - 2023-11-09	11/9/2023	215719		0		\$2005.68	0
PAYROLL - 2023-11-09	11/9/2023	215720		0		\$2101.41	0
PAYROLL - 2023-11-09	11/9/2023	215721		0		\$3431.76	0
PAYROLL - 2023-11-09	11/9/2023	215722		0		\$1898.36	0
PAYROLL - 2023-11-09	11/9/2023	215723		0		\$64.21	0
PAYROLL - 2023-11-09	11/9/2023	215724		0		\$114.15	0
PAYROLL - 2023-11-09	11/9/2023	215725		0		\$793.38	0
PAYROLL - 2023-11-09	11/9/2023	215726		0		\$14.27	0
PAYROLL - 2023-11-09	11/9/2023	215727		0		\$1933.81	0
PAYROLL - 2023-11-09	11/9/2023	215728		0		\$921.18	0
PAYROLL - 2023-11-09	11/9/2023	215729		0		\$1567.99	0
PAYROLL - 2023-11-09	11/9/2023	215730		0		\$64.21	0
PAYROLL - 2023-11-09	11/9/2023	215731		0		\$2059.41	0
PAYROLL - 2023-11-09	11/9/2023	215732		0		\$617.95	0
PAYROLL - 2023-11-09	11/9/2023	215733		0		\$124.85	0
PAYROLL - 2023-11-09	11/9/2023	215734		0		\$1172.68	0
PAYROLL - 2023-11-09	11/9/2023	215735		0		\$225.79	0
PAYROLL - 2023-11-09	11/9/2023	215736		0		\$64.21	0
PAYROLL - 2023-11-09	11/9/2023	215737		0		\$1994.56	0
PAYROLL - 2023-11-09	11/9/2023	215738		0		\$160.52	0
PAYROLL - 2023-11-09	11/9/2023	215739		0		\$2563.87	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215740		0		\$793.64	0
PAYROLL - 2023-11-09	11/9/2023	215741		0		\$1684.17	0
PAYROLL - 2023-11-09	11/9/2023	215742		0		\$64.21	0
PAYROLL - 2023-11-09	11/9/2023	215743		0		\$2322.99	0
PAYROLL - 2023-11-09	11/9/2023	215744		0		\$617.48	0
PAYROLL - 2023-11-09	11/9/2023	215745		0		\$64.21	0
PAYROLL - 2023-11-09	11/9/2023	215746		0		\$1624.83	0
PAYROLL - 2023-11-09	11/9/2023	215747		0		\$729.11	0
PAYROLL - 2023-11-09	11/9/2023	215748		0		\$14.27	0
PAYROLL - 2023-11-09	11/9/2023	215749		0		\$110.59	0
PAYROLL - 2023-11-09	11/9/2023	215750		0		\$14.27	0
PAYROLL - 2023-11-09	11/9/2023	215751		0		\$14.27	0
PAYROLL - 2023-11-09	11/9/2023	215752		0		\$110.59	0
PAYROLL - 2023-11-09	11/9/2023	215753		0		\$121.28	0
PAYROLL - 2023-11-09	11/9/2023	215754		0		\$174.80	0
PAYROLL - 2023-11-09	11/9/2023	215755		0		\$2639.49	0
PAYROLL - 2023-11-09	11/9/2023	215756		0		\$2842.85	0
PAYROLL - 2023-11-09	11/9/2023	215757		0		\$1827.73	0
PAYROLL - 2023-11-09	11/9/2023	215758		0		\$1610.32	0
PAYROLL - 2023-11-09	11/9/2023	215759		0		\$1516.83	0
PAYROLL - 2023-11-09	11/9/2023	215760		0		\$2041.04	0
PAYROLL - 2023-11-09	11/9/2023	215761		0		\$2104.15	0
PAYROLL - 2023-11-09	11/9/2023	215762		0		\$2178.06	0
PAYROLL - 2023-11-09	11/9/2023	215763		0		\$2154.57	0
PAYROLL - 2023-11-09	11/9/2023	215764		0		\$3155.91	0
PAYROLL - 2023-11-09	11/9/2023	215765		0		\$1794.46	0
PAYROLL - 2023-11-09	11/9/2023	215766		0		\$1787.77	0
PAYROLL - 2023-11-09	11/9/2023	215767		0		\$1864.06	0
PAYROLL - 2023-11-09	11/9/2023	215768		0		\$2048.47	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215769		0		\$1963.19	0
PAYROLL - 2023-11-09	11/9/2023	215770		0		\$1588.05	0
PAYROLL - 2023-11-09	11/9/2023	215771		0		\$2016.25	0
PAYROLL - 2023-11-09	11/9/2023	215772		0		\$2841.90	0
PAYROLL - 2023-11-09	11/9/2023	215773		0		\$1703.66	0
PAYROLL - 2023-11-09	11/9/2023	215774		0		\$1927.06	0
PAYROLL - 2023-11-09	11/9/2023	215775		0		\$2524.17	0
PAYROLL - 2023-11-09	11/9/2023	215776		0		\$1476.32	0
PAYROLL - 2023-11-09	11/9/2023	215777		0		\$1974.69	0
PAYROLL - 2023-11-09	11/9/2023	215778		0		\$1834.56	0
PAYROLL - 2023-11-09	11/9/2023	215779		0		\$1557.30	0
PAYROLL - 2023-11-09	11/9/2023	215780		0		\$1664.36	0
PAYROLL - 2023-11-09	11/9/2023	215781		0		\$2133.91	0
PAYROLL - 2023-11-09	11/9/2023	215782		0		\$1428.99	0
PAYROLL - 2023-11-09	11/9/2023	215783		0		\$1564.40	0
PAYROLL - 2023-11-09	11/9/2023	215784		0		\$1606.49	0
PAYROLL - 2023-11-09	11/9/2023	215785		0		\$1875.04	0
PAYROLL - 2023-11-09	11/9/2023	215786		0		\$1759.63	0
PAYROLL - 2023-11-09	11/9/2023	215787		0		\$1927.32	0
PAYROLL - 2023-11-09	11/9/2023	215788		0		\$3425.07	0
PAYROLL - 2023-11-09	11/9/2023	215789		0		\$2612.47	0
PAYROLL - 2023-11-09	11/9/2023	215790		0		\$2079.75	0
PAYROLL - 2023-11-09	11/9/2023	215791		0		\$4060.59	0
PAYROLL - 2023-11-09	11/9/2023	215792		0		\$2935.27	0
PAYROLL - 2023-11-09	11/9/2023	215793		0		\$1688.85	0
PAYROLL - 2023-11-09	11/9/2023	215794		0		\$3096.33	0
PAYROLL - 2023-11-09	11/9/2023	215795		0		\$3685.75	0
PAYROLL - 2023-11-09	11/9/2023	215796		0		\$4179.49	0
PAYROLL - 2023-11-09	11/9/2023	215797		0		\$2812.14	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215798		0		\$3239.56	0
PAYROLL - 2023-11-09	11/9/2023	215799		0		\$4306.29	0
PAYROLL - 2023-11-09	11/9/2023	215800		0		\$2939.41	0
PAYROLL - 2023-11-09	11/9/2023	215801		0		\$2250.91	0
PAYROLL - 2023-11-09	11/9/2023	215802		0		\$4195.91	0
PAYROLL - 2023-11-09	11/9/2023	215803		0		\$3067.49	0
PAYROLL - 2023-11-09	11/9/2023	215804		0		\$5130.08	0
PAYROLL - 2023-11-09	11/9/2023	215805		0		\$2714.54	0
PAYROLL - 2023-11-09	11/9/2023	215806		0		\$2527.90	0
PAYROLL - 2023-11-09	11/9/2023	215807		0		\$3217.46	0
PAYROLL - 2023-11-09	11/9/2023	215808		0		\$4620.66	0
PAYROLL - 2023-11-09	11/9/2023	215809		0		\$3403.95	0
PAYROLL - 2023-11-09	11/9/2023	215810		0		\$3407.94	0
PAYROLL - 2023-11-09	11/9/2023	215811		0		\$2990.91	0
PAYROLL - 2023-11-09	11/9/2023	215812		0		\$2732.14	0
PAYROLL - 2023-11-09	11/9/2023	215813		0		\$3081.22	0
PAYROLL - 2023-11-09	11/9/2023	215814		0		\$2471.03	0
PAYROLL - 2023-11-09	11/9/2023	215815		0		\$2505.63	0
PAYROLL - 2023-11-09	11/9/2023	215816		0		\$3516.23	0
PAYROLL - 2023-11-09	11/9/2023	215817		0		\$1678.39	0
PAYROLL - 2023-11-09	11/9/2023	215818		0		\$4734.76	0
PAYROLL - 2023-11-09	11/9/2023	215819		0		\$2238.53	0
PAYROLL - 2023-11-09	11/9/2023	215820		0		\$2716.09	0
PAYROLL - 2023-11-09	11/9/2023	215821		0		\$3427.17	0
PAYROLL - 2023-11-09	11/9/2023	215822		0		\$3853.24	0
PAYROLL - 2023-11-09	11/9/2023	215823		0		\$3591.26	0
PAYROLL - 2023-11-09	11/9/2023	215824		0		\$4142.31	0
PAYROLL - 2023-11-09	11/9/2023	215825		0		\$3093.41	0
PAYROLL - 2023-11-09	11/9/2023	215826		0		\$2636.56	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215827		0		\$3065.90	0
PAYROLL - 2023-11-09	11/9/2023	215828		0		\$2275.62	0
PAYROLL - 2023-11-09	11/9/2023	215829		0		\$1318.90	0
PAYROLL - 2023-11-09	11/9/2023	215830		0		\$4304.08	0
PAYROLL - 2023-11-09	11/9/2023	215831		0		\$2958.39	0
PAYROLL - 2023-11-09	11/9/2023	215832		0		\$3215.03	0
PAYROLL - 2023-11-09	11/9/2023	215833		0		\$3391.67	0
PAYROLL - 2023-11-09	11/9/2023	215834		0		\$3360.69	0
PAYROLL - 2023-11-09	11/9/2023	215835		0		\$78.25	0
PAYROLL - 2023-11-09	11/9/2023	215836		0		\$2093.66	0
PAYROLL - 2023-11-09	11/9/2023	215837		0		\$2661.03	0
PAYROLL - 2023-11-09	11/9/2023	215838		0		\$3175.29	0
PAYROLL - 2023-11-09	11/9/2023	215839		0		\$2985.32	0
PAYROLL - 2023-11-09	11/9/2023	215840		0		\$2691.55	0
PAYROLL - 2023-11-09	11/9/2023	215841		0		\$2575.50	0
PAYROLL - 2023-11-09	11/9/2023	215842		0		\$2521.40	0
PAYROLL - 2023-11-09	11/9/2023	215843		0		\$4102.10	0
PAYROLL - 2023-11-09	11/9/2023	215844		0		\$3610.94	0
PAYROLL - 2023-11-09	11/9/2023	215845		0		\$2661.02	0
PAYROLL - 2023-11-09	11/9/2023	215846		0		\$3894.06	0
PAYROLL - 2023-11-09	11/9/2023	215847		0		\$3312.86	0
PAYROLL - 2023-11-09	11/9/2023	215848		0		\$2840.72	0
PAYROLL - 2023-11-09	11/9/2023	215849		0		\$3889.10	0
PAYROLL - 2023-11-09	11/9/2023	215850		0		\$2698.84	0
PAYROLL - 2023-11-09	11/9/2023	215851		0		\$4763.83	0
PAYROLL - 2023-11-09	11/9/2023	215852		0		\$2623.55	0
PAYROLL - 2023-11-09	11/9/2023	215853		0		\$4079.63	0
PAYROLL - 2023-11-09	11/9/2023	215854		0		\$2891.70	0
PAYROLL - 2023-11-09	11/9/2023	215855		0		\$2819.33	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215856		0		\$4400.04	0
PAYROLL - 2023-11-09	11/9/2023	215857		0		\$2665.25	0
PAYROLL - 2023-11-09	11/9/2023	215858		0		\$3216.71	0
PAYROLL - 2023-11-09	11/9/2023	215859		0		\$1327.35	0
PAYROLL - 2023-11-09	11/9/2023	215860		0		\$2150.13	0
PAYROLL - 2023-11-09	11/9/2023	215861		0		\$4354.54	0
PAYROLL - 2023-11-09	11/9/2023	215862		0		\$3637.38	0
PAYROLL - 2023-11-09	11/9/2023	215863		0		\$3112.18	0
PAYROLL - 2023-11-09	11/9/2023	215864		0		\$2815.89	0
PAYROLL - 2023-11-09	11/9/2023	215865		0		\$2215.65	0
PAYROLL - 2023-11-09	11/9/2023	215866		0		\$2758.20	0
PAYROLL - 2023-11-09	11/9/2023	215867		0		\$2370.64	0
PAYROLL - 2023-11-09	11/9/2023	215868		0		\$3599.53	0
PAYROLL - 2023-11-09	11/9/2023	215869		0		\$1523.17	0
PAYROLL - 2023-11-09	11/9/2023	215870		0		\$2464.31	0
PAYROLL - 2023-11-09	11/9/2023	215871		0		\$2032.35	0
PAYROLL - 2023-11-09	11/9/2023	215872		0		\$1245.52	0
PAYROLL - 2023-11-09	11/9/2023	215873		0		\$775.42	0
PAYROLL - 2023-11-09	11/9/2023	215874		0		\$4552.77	0
PAYROLL - 2023-11-09	11/9/2023	215875		0		\$2538.70	0
PAYROLL - 2023-11-09	11/9/2023	215876		0		\$3758.89	0
PAYROLL - 2023-11-09	11/9/2023	215877		0		\$2720.53	0
PAYROLL - 2023-11-09	11/9/2023	215878		0		\$2381.20	0
PAYROLL - 2023-11-09	11/9/2023	215879		0		\$1901.07	0
PAYROLL - 2023-11-09	11/9/2023	215880		0		\$4394.06	0
PAYROLL - 2023-11-09	11/9/2023	215881		0		\$3713.27	0
PAYROLL - 2023-11-09	11/9/2023	215882		0		\$2652.16	0
PAYROLL - 2023-11-09	11/9/2023	215883		0		\$3526.47	0
PAYROLL - 2023-11-09	11/9/2023	215884		0		\$3662.52	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215885		0		\$2912.77	0
PAYROLL - 2023-11-09	11/9/2023	215886		0		\$3475.04	0
PAYROLL - 2023-11-09	11/9/2023	215887		0		\$1647.21	0
PAYROLL - 2023-11-09	11/9/2023	215888		0		\$3900.13	0
PAYROLL - 2023-11-09	11/9/2023	215889		0		\$1657.01	0
PAYROLL - 2023-11-09	11/9/2023	215890		0		\$2956.62	0
PAYROLL - 2023-11-09	11/9/2023	215891		0		\$2032.11	0
PAYROLL - 2023-11-09	11/9/2023	215892		0		\$3219.31	0
PAYROLL - 2023-11-09	11/9/2023	215893		0		\$3193.22	0
PAYROLL - 2023-11-09	11/9/2023	215894		0		\$6989.27	0
PAYROLL - 2023-11-09	11/9/2023	215895		0		\$3815.06	0
PAYROLL - 2023-11-09	11/9/2023	215896		0		\$4029.61	0
PAYROLL - 2023-11-09	11/9/2023	215897		0		\$4187.91	0
PAYROLL - 2023-11-09	11/9/2023	215898		0		\$2872.55	0
PAYROLL - 2023-11-09	11/9/2023	215899		0		\$3531.77	0
PAYROLL - 2023-11-09	11/9/2023	215900		0		\$2337.16	0
PAYROLL - 2023-11-09	11/9/2023	215901		0		\$2925.75	0
PAYROLL - 2023-11-09	11/9/2023	215902		0		\$1483.82	0
PAYROLL - 2023-11-09	11/9/2023	215903		0		\$1642.26	0
PAYROLL - 2023-11-09	11/9/2023	215904		0		\$3219.16	0
PAYROLL - 2023-11-09	11/9/2023	215905		0		\$2667.19	0
PAYROLL - 2023-11-09	11/9/2023	215906		0		\$4185.98	0
PAYROLL - 2023-11-09	11/9/2023	215907		0		\$1739.17	0
PAYROLL - 2023-11-09	11/9/2023	215908		0		\$3499.24	0
PAYROLL - 2023-11-09	11/9/2023	215909		0		\$2567.17	0
PAYROLL - 2023-11-09	11/9/2023	215910		0		\$1945.79	0
PAYROLL - 2023-11-09	11/9/2023	215911		0		\$3466.24	0
PAYROLL - 2023-11-09	11/9/2023	215912		0		\$3172.42	0
PAYROLL - 2023-11-09	11/9/2023	215913		0		\$4680.33	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215914		0		\$2418.13	0
PAYROLL - 2023-11-09	11/9/2023	215915		0		\$3195.71	0
PAYROLL - 2023-11-09	11/9/2023	215916		0		\$4465.07	0
PAYROLL - 2023-11-09	11/9/2023	215917		0		\$3306.58	0
PAYROLL - 2023-11-09	11/9/2023	215918		0		\$2765.30	0
PAYROLL - 2023-11-09	11/9/2023	215919		0		\$1552.27	0
PAYROLL - 2023-11-09	11/9/2023	215920		0		\$3063.52	0
PAYROLL - 2023-11-09	11/9/2023	215921		0		\$3852.85	0
PAYROLL - 2023-11-09	11/9/2023	215922		0		\$2710.72	0
PAYROLL - 2023-11-09	11/9/2023	215923		0		\$2479.52	0
PAYROLL - 2023-11-09	11/9/2023	215924		0		\$4422.11	0
PAYROLL - 2023-11-09	11/9/2023	215925		0		\$2697.32	0
PAYROLL - 2023-11-09	11/9/2023	215926		0		\$1392.37	0
PAYROLL - 2023-11-09	11/9/2023	215927		0		\$1487.52	0
PAYROLL - 2023-11-09	11/9/2023	215928		0		\$2967.90	0
PAYROLL - 2023-11-09	11/9/2023	215929		0		\$2505.09	0
PAYROLL - 2023-11-09	11/9/2023	215930		0		\$3322.16	0
PAYROLL - 2023-11-09	11/9/2023	215931		0		\$4220.39	0
PAYROLL - 2023-11-09	11/9/2023	215932		0		\$4302.70	0
PAYROLL - 2023-11-09	11/9/2023	215933		0		\$2218.33	0
PAYROLL - 2023-11-09	11/9/2023	215934		0		\$1382.69	0
PAYROLL - 2023-11-09	11/9/2023	215935		0		\$4641.11	0
PAYROLL - 2023-11-09	11/9/2023	215936		0		\$3336.41	0
PAYROLL - 2023-11-09	11/9/2023	215937		0		\$3386.27	0
PAYROLL - 2023-11-09	11/9/2023	215938		0		\$3851.18	0
PAYROLL - 2023-11-09	11/9/2023	215939		0		\$3757.63	0
PAYROLL - 2023-11-09	11/9/2023	215940		0		\$2893.95	0
PAYROLL - 2023-11-09	11/9/2023	215941		0		\$2917.36	0
PAYROLL - 2023-11-09	11/9/2023	215942		0		\$2192.68	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215943		0		\$1512.23	0
PAYROLL - 2023-11-09	11/9/2023	215944		0		\$1634.19	0
PAYROLL - 2023-11-09	11/9/2023	215945		0		\$4627.01	0
PAYROLL - 2023-11-09	11/9/2023	215946		0		\$1399.30	0
PAYROLL - 2023-11-09	11/9/2023	215947		0		\$3568.90	0
PAYROLL - 2023-11-09	11/9/2023	215948		0		\$3111.96	0
PAYROLL - 2023-11-09	11/9/2023	215949		0		\$2094.46	0
PAYROLL - 2023-11-09	11/9/2023	215950		0		\$2151.71	0
PAYROLL - 2023-11-09	11/9/2023	215951		0		\$6660.09	0
PAYROLL - 2023-11-09	11/9/2023	215952		0		\$1693.87	0
PAYROLL - 2023-11-09	11/9/2023	215953		0		\$2848.25	0
PAYROLL - 2023-11-09	11/9/2023	215954		0		\$3290.65	0
PAYROLL - 2023-11-09	11/9/2023	215955		0		\$2064.79	0
PAYROLL - 2023-11-09	11/9/2023	215956		0		\$2510.13	0
PAYROLL - 2023-11-09	11/9/2023	215957		0		\$2140.37	0
PAYROLL - 2023-11-09	11/9/2023	215958		0		\$3672.01	0
PAYROLL - 2023-11-09	11/9/2023	215959		0		\$5342.86	0
PAYROLL - 2023-11-09	11/9/2023	215960		0		\$1618.66	0
PAYROLL - 2023-11-09	11/9/2023	215961		0		\$2118.38	0
PAYROLL - 2023-11-09	11/9/2023	215962		0		\$6722.04	0
PAYROLL - 2023-11-09	11/9/2023	215963		0		\$4825.55	0
PAYROLL - 2023-11-09	11/9/2023	215964		0		\$2798.29	0
PAYROLL - 2023-11-09	11/9/2023	215965		0		\$1469.40	0
PAYROLL - 2023-11-09	11/9/2023	215966		0		\$2812.16	0
PAYROLL - 2023-11-09	11/9/2023	215967		0		\$3671.56	0
PAYROLL - 2023-11-09	11/9/2023	215968		0		\$3124.77	0
PAYROLL - 2023-11-09	11/9/2023	215969		0		\$3221.86	0
PAYROLL - 2023-11-09	11/9/2023	215970		0		\$3361.74	0
PAYROLL - 2023-11-09	11/9/2023	215971		0		\$2756.10	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	215972		0		\$2556.61	0
PAYROLL - 2023-11-09	11/9/2023	215973		0		\$3125.41	0
PAYROLL - 2023-11-09	11/9/2023	215974		0		\$1642.71	0
PAYROLL - 2023-11-09	11/9/2023	215975		0		\$3960.70	0
PAYROLL - 2023-11-09	11/9/2023	215976		0		\$3226.42	0
PAYROLL - 2023-11-09	11/9/2023	215977		0		\$3555.73	0
PAYROLL - 2023-11-09	11/9/2023	215978		0		\$1504.16	0
PAYROLL - 2023-11-09	11/9/2023	215979		0		\$2779.84	0
PAYROLL - 2023-11-09	11/9/2023	215980		0		\$2559.18	0
PAYROLL - 2023-11-09	11/9/2023	215981		0		\$4201.31	0
PAYROLL - 2023-11-09	11/9/2023	215982		0		\$3562.90	0
PAYROLL - 2023-11-09	11/9/2023	215983		0		\$5920.40	0
PAYROLL - 2023-11-09	11/9/2023	215984		0		\$2616.78	0
PAYROLL - 2023-11-09	11/9/2023	215985		0		\$3380.66	0
PAYROLL - 2023-11-09	11/9/2023	215986		0		\$1524.49	0
PAYROLL - 2023-11-09	11/9/2023	215987		0		\$4745.40	0
PAYROLL - 2023-11-09	11/9/2023	215988		0		\$3285.01	0
PAYROLL - 2023-11-09	11/9/2023	215989		0		\$3110.37	0
PAYROLL - 2023-11-09	11/9/2023	215990		0		\$2585.95	0
PAYROLL - 2023-11-09	11/9/2023	215991		0		\$3072.23	0
PAYROLL - 2023-11-09	11/9/2023	215992		0		\$3336.87	0
PAYROLL - 2023-11-09	11/9/2023	215993		0		\$1747.30	0
PAYROLL - 2023-11-09	11/9/2023	215994		0		\$4298.45	0
PAYROLL - 2023-11-09	11/9/2023	215995		0		\$3664.96	0
PAYROLL - 2023-11-09	11/9/2023	215996		0		\$5743.77	0
PAYROLL - 2023-11-09	11/9/2023	215997		0		\$2797.21	0
PAYROLL - 2023-11-09	11/9/2023	215998		0		\$2953.47	0
PAYROLL - 2023-11-09	11/9/2023	215999		0		\$3009.57	0
PAYROLL - 2023-11-09	11/9/2023	216000		0		\$477.31	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	216001		0		\$1548.53	0
PAYROLL - 2023-11-09	11/9/2023	216002		0		\$2361.38	0
PAYROLL - 2023-11-09	11/9/2023	216003		0		\$2310.99	0
PAYROLL - 2023-11-09	11/9/2023	216004		0		\$2519.26	0
PAYROLL - 2023-11-09	11/9/2023	216005		0		\$1642.96	0
PAYROLL - 2023-11-09	11/9/2023	216006		0		\$840.53	0
PAYROLL - 2023-11-09	11/9/2023	216007		0		\$2355.11	0
PAYROLL - 2023-11-09	11/9/2023	216008		0		\$2424.47	0
PAYROLL - 2023-11-09	11/9/2023	216009		0		\$2338.04	0
PAYROLL - 2023-11-09	11/9/2023	216010		0		\$1804.65	0
PAYROLL - 2023-11-09	11/9/2023	216011		0		\$2298.18	0
PAYROLL - 2023-11-09	11/9/2023	216012		0		\$2331.80	0
PAYROLL - 2023-11-09	11/9/2023	216013		0		\$2757.64	0
PAYROLL - 2023-11-09	11/9/2023	216014		0		\$1833.64	0
PAYROLL - 2023-11-09	11/9/2023	216015		0		\$1719.12	0
PAYROLL - 2023-11-09	11/9/2023	216016		0		\$5385.52	0
PAYROLL - 2023-11-09	11/9/2023	216017		0		\$1734.61	0
PAYROLL - 2023-11-09	11/9/2023	216018		0		\$1978.49	0
PAYROLL - 2023-11-09	11/9/2023	216019		0		\$2277.43	0
PAYROLL - 2023-11-09	11/9/2023	216020		0		\$1933.78	0
PAYROLL - 2023-11-09	11/9/2023	216021		0		\$3155.46	0
PAYROLL - 2023-11-09	11/9/2023	216022		0		\$1840.78	0
PAYROLL - 2023-11-09	11/9/2023	216023		0		\$1824.58	0
PAYROLL - 2023-11-09	11/9/2023	216024		0		\$1698.44	0
PAYROLL - 2023-11-09	11/9/2023	216025		0		\$2121.21	0
PAYROLL - 2023-11-09	11/9/2023	216026		0		\$2082.71	0
PAYROLL - 2023-11-09	11/9/2023	216027		0		\$3069.46	0
PAYROLL - 2023-11-09	11/9/2023	216028		0		\$2871.69	0
PAYROLL - 2023-11-09	11/9/2023	216029		0		\$1547.90	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	216030		0		\$1674.66	0
PAYROLL - 2023-11-09	11/9/2023	216031		0		\$2024.72	0
PAYROLL - 2023-11-09	11/9/2023	216032		0		\$852.82	0
PAYROLL - 2023-11-09	11/9/2023	216033		0		\$2561.21	0
PAYROLL - 2023-11-09	11/9/2023	216034		0		\$1760.04	0
PAYROLL - 2023-11-09	11/9/2023	216035		0		\$1944.90	0
PAYROLL - 2023-11-09	11/9/2023	216036		0		\$1492.03	0
PAYROLL - 2023-11-09	11/9/2023	216037		0		\$2324.88	0
PAYROLL - 2023-11-09	11/9/2023	216038		0		\$1451.79	0
PAYROLL - 2023-11-09	11/9/2023	216039		0		\$3314.50	0
PAYROLL - 2023-11-09	11/9/2023	216040		0		\$1784.53	0
PAYROLL - 2023-11-09	11/9/2023	216041		0		\$692.64	0
PAYROLL - 2023-11-09	11/9/2023	216042		0		\$3204.66	0
PAYROLL - 2023-11-09	11/9/2023	216043		0		\$1651.07	0
PAYROLL - 2023-11-09	11/9/2023	216044		0		\$1899.28	0
PAYROLL - 2023-11-09	11/9/2023	216045		0		\$3803.19	0
PAYROLL - 2023-11-09	11/9/2023	216046		0		\$1688.78	0
PAYROLL - 2023-11-09	11/9/2023	216047		0		\$1829.53	0
PAYROLL - 2023-11-09	11/9/2023	216048		0		\$1813.47	0
PAYROLL - 2023-11-09	11/9/2023	216049		0		\$2092.79	0
PAYROLL - 2023-11-09	11/9/2023	216050		0		\$1857.18	0
PAYROLL - 2023-11-09	11/9/2023	216051		0		\$1932.59	0
PAYROLL - 2023-11-09	11/9/2023	216052		0		\$2405.45	0
PAYROLL - 2023-11-09	11/9/2023	216053		0		\$990.69	0
PAYROLL - 2023-11-09	11/9/2023	216054		0		\$1736.53	0
PAYROLL - 2023-11-09	11/9/2023	216055		0		\$1430.13	0
PAYROLL - 2023-11-09	11/9/2023	216056		0		\$1841.14	0
PAYROLL - 2023-11-09	11/9/2023	216057		0		\$1678.39	0
PAYROLL - 2023-11-09	11/9/2023	216058		0		\$1631.92	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	216059		0		\$1817.19	0
PAYROLL - 2023-11-09	11/9/2023	216060		0		\$1841.31	0
PAYROLL - 2023-11-09	11/9/2023	216061		0		\$1812.60	0
PAYROLL - 2023-11-09	11/9/2023	216062		0		\$1422.10	0
PAYROLL - 2023-11-09	11/9/2023	216063		0		\$1546.70	0
PAYROLL - 2023-11-09	11/9/2023	216064		0		\$1825.41	0
PAYROLL - 2023-11-09	11/9/2023	216065		0		\$3173.48	0
PAYROLL - 2023-11-09	11/9/2023	216066		0		\$690.88	0
PAYROLL - 2023-11-09	11/9/2023	216067		0		\$2196.17	0
PAYROLL - 2023-11-09	11/9/2023	216068		0		\$1745.47	0
PAYROLL - 2023-11-09	11/9/2023	216069		0		\$1580.06	0
PAYROLL - 2023-11-09	11/9/2023	216070		0		\$2052.21	0
PAYROLL - 2023-11-09	11/9/2023	216071		0		\$1890.38	0
PAYROLL - 2023-11-09	11/9/2023	216072		0		\$1862.92	0
PAYROLL - 2023-11-09	11/9/2023	216073		0		\$2032.53	0
PAYROLL - 2023-11-09	11/9/2023	216074		0		\$1209.33	0
PAYROLL - 2023-11-09	11/9/2023	216075		0		\$1951.43	0
PAYROLL - 2023-11-09	11/9/2023	216076		0		\$1147.16	0
PAYROLL - 2023-11-09	11/9/2023	216077		0		\$1965.80	0
PAYROLL - 2023-11-09	11/9/2023	216078		0		\$1913.47	0
PAYROLL - 2023-11-09	11/9/2023	216079		0		\$1774.91	0
PAYROLL - 2023-11-09	11/9/2023	216080		0		\$1910.79	0
PAYROLL - 2023-11-09	11/9/2023	216081		0		\$757.79	0
PAYROLL - 2023-11-09	11/9/2023	216082		0		\$1631.59	0
PAYROLL - 2023-11-09	11/9/2023	216083		0		\$1730.38	0
PAYROLL - 2023-11-09	11/9/2023	216084		0		\$2480.30	0
PAYROLL - 2023-11-09	11/9/2023	216085		0		\$1814.50	0
PAYROLL - 2023-11-09	11/9/2023	216086		0		\$2020.88	0
PAYROLL - 2023-11-09	11/9/2023	216087		0		\$1926.44	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	216088		0		\$1669.67	0
PAYROLL - 2023-11-09	11/9/2023	216089		0		\$2360.47	0
PAYROLL - 2023-11-09	11/9/2023	216090		0		\$2100.95	0
PAYROLL - 2023-11-09	11/9/2023	216091		0		\$1756.95	0
PAYROLL - 2023-11-09	11/9/2023	216092		0		\$2856.24	0
PAYROLL - 2023-11-09	11/9/2023	216093		0		\$2171.21	0
PAYROLL - 2023-11-09	11/9/2023	216094		0		\$2966.14	0
PAYROLL - 2023-11-09	11/9/2023	216095		0		\$1382.00	0
PAYROLL - 2023-11-09	11/9/2023	216096		0		\$2420.07	0
PAYROLL - 2023-11-09	11/9/2023	216097		0		\$1399.65	0
PAYROLL - 2023-11-09	11/9/2023	216098		0		\$2417.07	0
PAYROLL - 2023-11-09	11/9/2023	216099		0		\$2144.52	0
PAYROLL - 2023-11-09	11/9/2023	216100		0		\$3029.13	0
PAYROLL - 2023-11-09	11/9/2023	216101		0		\$1520.72	0
PAYROLL - 2023-11-09	11/9/2023	216102		0		\$1802.87	0
PAYROLL - 2023-11-09	11/9/2023	216103		0		\$1965.11	0
PAYROLL - 2023-11-09	11/9/2023	216104		0		\$2962.41	0
PAYROLL - 2023-11-09	11/9/2023	216105		0		\$3480.28	0
PAYROLL - 2023-11-09	11/9/2023	216106		0		\$2060.14	0
PAYROLL - 2023-11-09	11/9/2023	216107		0		\$2916.44	0
PAYROLL - 2023-11-09	11/9/2023	216108		0		\$1838.55	0
PAYROLL - 2023-11-09	11/9/2023	216109		0		\$1577.32	0
PAYROLL - 2023-11-09	11/9/2023	216110		0		\$2185.93	0
PAYROLL - 2023-11-09	11/9/2023	216111		0		\$1680.00	0
PAYROLL - 2023-11-09	11/9/2023	216112		0		\$1904.39	0
PAYROLL - 2023-11-09	11/9/2023	216113		0		\$2036.02	0
PAYROLL - 2023-11-09	11/9/2023	216114		0		\$2088.52	0
PAYROLL - 2023-11-09	11/9/2023	216115		0		\$4334.08	0
PAYROLL - 2023-11-09	11/9/2023	216116		0		\$1548.47	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	216117		0		\$2689.95	0
PAYROLL - 2023-11-09	11/9/2023	216118		0		\$2016.23	0
PAYROLL - 2023-11-09	11/9/2023	216119		0		\$1944.34	0
PAYROLL - 2023-11-09	11/9/2023	216120		0		\$1199.30	0
PAYROLL - 2023-11-09	11/9/2023	216121		0		\$3619.34	0
PAYROLL - 2023-11-09	11/9/2023	216122		0		\$1223.67	0
PAYROLL - 2023-11-09	11/9/2023	216123		0		\$693.18	0
PAYROLL - 2023-11-09	11/9/2023	216124		0		\$2775.93	0
PAYROLL - 2023-11-09	11/9/2023	216125		0		\$2416.34	0
PAYROLL - 2023-11-09	11/9/2023	216126		0		\$3532.65	0
PAYROLL - 2023-11-09	11/9/2023	216127		0		\$2011.99	0
PAYROLL - 2023-11-09	11/9/2023	216128		0		\$509.89	0
PAYROLL - 2023-11-09	11/9/2023	216129		0		\$2681.08	0
PAYROLL - 2023-11-09	11/9/2023	216130		0		\$2266.75	0
PAYROLL - 2023-11-09	11/9/2023	216131		0		\$1515.96	0
PAYROLL - 2023-11-09	11/9/2023	216132		0		\$2998.84	0
PAYROLL - 2023-11-09	11/9/2023	216133		0		\$2028.93	0
PAYROLL - 2023-11-09	11/9/2023	216134		0		\$1623.99	0
PAYROLL - 2023-11-09	11/9/2023	216135		0		\$1073.41	0
PAYROLL - 2023-11-09	11/9/2023	216136		0		\$2594.92	0
PAYROLL - 2023-11-09	11/9/2023	216137		0		\$1654.23	0
PAYROLL - 2023-11-09	11/9/2023	216138		0		\$2321.40	0
PAYROLL - 2023-11-09	11/9/2023	216139		0		\$3875.92	0
PAYROLL - 2023-11-09	11/9/2023	216140		0		\$2093.30	0
PAYROLL - 2023-11-09	11/9/2023	216141		0		\$3359.76	0
PAYROLL - 2023-11-09	11/9/2023	216142		0		\$1883.89	0
PAYROLL - 2023-11-09	11/9/2023	216143		0		\$2646.90	0
PAYROLL - 2023-11-09	11/9/2023	216144		0		\$1490.31	0
PAYROLL - 2023-11-09	11/9/2023	216145		0		\$2824.30	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	216146		0		\$1916.85	0
PAYROLL - 2023-11-09	11/9/2023	216147		0		\$2247.59	0
PAYROLL - 2023-11-09	11/9/2023	216148		0		\$3581.79	0
PAYROLL - 2023-11-09	11/9/2023	216149		0		\$1809.31	0
PAYROLL - 2023-11-09	11/9/2023	216150		0		\$2891.47	0
PAYROLL - 2023-11-09	11/9/2023	216151		0		\$4929.79	0
PAYROLL - 2023-11-09	11/9/2023	216152		0		\$3859.32	0
PAYROLL - 2023-11-09	11/9/2023	216153		0		\$2996.57	0
PAYROLL - 2023-11-09	11/9/2023	216154		0		\$3173.65	0
PAYROLL - 2023-11-09	11/9/2023	216155		0		\$4668.24	0
PAYROLL - 2023-11-09	11/9/2023	216156		0		\$1480.30	0
PAYROLL - 2023-11-09	11/9/2023	216157		0		\$2649.68	0
PAYROLL - 2023-11-09	11/9/2023	216158		0		\$2522.98	0
PAYROLL - 2023-11-09	11/9/2023	216159		0		\$3062.87	0
PAYROLL - 2023-11-09	11/9/2023	216160		0		\$1000.18	0
PAYROLL - 2023-11-09	11/9/2023	216161		0		\$1190.20	0
PAYROLL - 2023-11-09	11/9/2023	216162		0		\$2394.00	0
PAYROLL - 2023-11-09	11/9/2023	216163		0		\$1082.46	0
PAYROLL - 2023-11-09	11/9/2023	216164		0		\$1877.10	0
PAYROLL - 2023-11-09	11/9/2023	216165		0		\$1147.67	0
PAYROLL - 2023-11-09	11/9/2023	216166		0		\$2037.68	0
PAYROLL - 2023-11-09	11/9/2023	216167		0		\$2155.37	0
PAYROLL - 2023-11-09	11/9/2023	216168		0		\$441.66	0
PAYROLL - 2023-11-09	11/9/2023	216169		0		\$1912.72	0
PAYROLL - 2023-11-09	11/9/2023	216170		0		\$1187.60	0
PAYROLL - 2023-11-09	11/9/2023	216171		0		\$1649.23	0
PAYROLL - 2023-11-09	11/9/2023	216172		0		\$941.69	0
PAYROLL - 2023-11-09	11/9/2023	216173		0		\$843.57	0
PAYROLL - 2023-11-09	11/9/2023	216174		0		\$1022.50	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-09	11/9/2023	216175		0		\$924.82	0
PAYROLL - 2023-11-09	11/9/2023	216176		0		\$992.67	0
PAYROLL - 2023-11-09	11/9/2023	216177		0		\$1765.02	0
PAYROLL - 2023-11-09	11/9/2023	216178		0		\$94.17	0
PAYROLL - 2023-11-09	11/9/2023	216179		0		\$2771.44	0
PAYROLL - 2023-11-09	11/9/2023	216180		0		\$1363.73	0
PAYROLL - 2023-11-09	11/9/2023	216181		0		\$834.78	0
PAYROLL - 2023-11-09	11/9/2023	216182		0		\$1849.63	0
PAYROLL - 2023-11-09	11/9/2023	216183		0		\$1512.65	0
PAYROLL - 2023-11-09	11/9/2023	216184		0		\$1985.35	0
PAYROLL - 2023-11-09	11/9/2023	216185		0		\$1303.59	0
PAYROLL - 2023-11-09	11/9/2023	216186		0		\$985.60	0
PAYROLL - 2023-11-09	11/9/2023	216187		0		\$600.95	0
PAYROLL - 2023-11-09	11/9/2023	216188		0		\$1586.03	0
PAYROLL - 2023-11-09	11/9/2023	216189		0		\$2936.36	0
PAYROLL - 2023-11-09	11/9/2023	216190		0		\$1428.08	0
PAYROLL - 2023-11-09	11/9/2023	216191		0		\$1750.48	0
PAYROLL - 2023-11-09	11/9/2023	216192		0		\$602.93	0
PAYROLL - 2023-11-09	11/9/2023	216193		0		\$1906.00	0
PAYROLL - 2023-11-09	11/9/2023	216194		0		\$206.22	0
PAYROLL - 2023-11-09	11/9/2023	216195		0		\$554.47	0
PAYROLL - 2023-11-09	11/9/2023	216196		0		\$527.81	0
PAYROLL - 2023-11-09	11/9/2023	216197		0		\$424.50	0
PAYROLL - 2023-11-09	11/9/2023	216198		0		\$75.00	0
PAYROLL - 2023-11-09	11/9/2023	216199		0		\$7771.00	0
PAYROLL - 2023-11-09	TOTALS:					\$1,337,012.42	0
PAYROLL - 2023-11-22	11/22/2023	216200		0		\$2320.90	0
PAYROLL - 2023-11-22	11/22/2023	216201		0		\$2853.95	0
PAYROLL - 2023-11-22	11/22/2023	216202		0		\$1080.09	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216203		0		\$1588.28	0
PAYROLL - 2023-11-22	11/22/2023	216204		0		\$2155.42	0
PAYROLL - 2023-11-22	11/22/2023	216205		0		\$4307.38	0
PAYROLL - 2023-11-22	11/22/2023	216206		0		\$1565.69	0
PAYROLL - 2023-11-22	11/22/2023	216207		0		\$2018.83	0
PAYROLL - 2023-11-22	11/22/2023	216208		0		\$356.25	0
PAYROLL - 2023-11-22	11/22/2023	216209		0		\$1630.88	0
PAYROLL - 2023-11-22	11/22/2023	216210		0		\$2193.35	0
PAYROLL - 2023-11-22	11/22/2023	216211		0		\$2722.49	0
PAYROLL - 2023-11-22	11/22/2023	216212		0		\$2641.01	0
PAYROLL - 2023-11-22	11/22/2023	216213		0		\$4925.85	0
PAYROLL - 2023-11-22	11/22/2023	216214		0		\$6597.74	0
PAYROLL - 2023-11-22	11/22/2023	216215		0		\$1313.16	0
PAYROLL - 2023-11-22	11/22/2023	216216		0		\$1199.00	0
PAYROLL - 2023-11-22	11/22/2023	216217		0		\$1163.17	0
PAYROLL - 2023-11-22	11/22/2023	216218		0		\$792.05	0
PAYROLL - 2023-11-22	11/22/2023	216219		0		\$1018.49	0
PAYROLL - 2023-11-22	11/22/2023	216220		0		\$4743.34	0
PAYROLL - 2023-11-22	11/22/2023	216221		0		\$1832.78	0
PAYROLL - 2023-11-22	11/22/2023	216222		0		\$1218.71	0
PAYROLL - 2023-11-22	11/22/2023	216223		0		\$950.14	0
PAYROLL - 2023-11-22	11/22/2023	216224		0		\$1951.76	0
PAYROLL - 2023-11-22	11/22/2023	216225		0		\$1599.87	0
PAYROLL - 2023-11-22	11/22/2023	216226		0		\$1183.26	0
PAYROLL - 2023-11-22	11/22/2023	216227		0		\$1501.54	0
PAYROLL - 2023-11-22	11/22/2023	216228		0		\$1888.79	0
PAYROLL - 2023-11-22	11/22/2023	216229		0		\$1959.40	0
PAYROLL - 2023-11-22	11/22/2023	216230		0		\$1279.43	0
PAYROLL - 2023-11-22	11/22/2023	216231		0		\$2086.51	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216232		0		\$1633.02	0
PAYROLL - 2023-11-22	11/22/2023	216233		0		\$866.47	0
PAYROLL - 2023-11-22	11/22/2023	216234		0		\$2118.06	0
PAYROLL - 2023-11-22	11/22/2023	216235		0		\$1371.55	0
PAYROLL - 2023-11-22	11/22/2023	216236		0		\$1440.07	0
PAYROLL - 2023-11-22	11/22/2023	216237		0		\$1702.50	0
PAYROLL - 2023-11-22	11/22/2023	216238		0		\$1253.50	0
PAYROLL - 2023-11-22	11/22/2023	216239		0		\$2788.63	0
PAYROLL - 2023-11-22	11/22/2023	216240		0		\$1725.97	0
PAYROLL - 2023-11-22	11/22/2023	216241		0		\$1723.12	0
PAYROLL - 2023-11-22	11/22/2023	216242		0		\$1194.49	0
PAYROLL - 2023-11-22	11/22/2023	216243		0		\$1782.63	0
PAYROLL - 2023-11-22	11/22/2023	216244		0		\$1801.18	0
PAYROLL - 2023-11-22	11/22/2023	216245		0		\$1504.87	0
PAYROLL - 2023-11-22	11/22/2023	216246		0		\$1990.85	0
PAYROLL - 2023-11-22	11/22/2023	216247		0		\$1350.89	0
PAYROLL - 2023-11-22	11/22/2023	216248		0		\$722.20	0
PAYROLL - 2023-11-22	11/22/2023	216249		0		\$1262.18	0
PAYROLL - 2023-11-22	11/22/2023	216250		0		\$2058.15	0
PAYROLL - 2023-11-22	11/22/2023	216251		0		\$954.81	0
PAYROLL - 2023-11-22	11/22/2023	216252		0		\$1626.65	0
PAYROLL - 2023-11-22	11/22/2023	216253		0		\$1509.00	0
PAYROLL - 2023-11-22	11/22/2023	216254		0		\$845.07	0
PAYROLL - 2023-11-22	11/22/2023	216255		0		\$1718.50	0
PAYROLL - 2023-11-22	11/22/2023	216256		0		\$1750.25	0
PAYROLL - 2023-11-22	11/22/2023	216257		0		\$1985.94	0
PAYROLL - 2023-11-22	11/22/2023	216258		0		\$1372.23	0
PAYROLL - 2023-11-22	11/22/2023	216259		0		\$2109.98	0
PAYROLL - 2023-11-22	11/22/2023	216260		0		\$739.97	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216261		0		\$2795.33	0
PAYROLL - 2023-11-22	11/22/2023	216262		0		\$1574.18	0
PAYROLL - 2023-11-22	11/22/2023	216263		0		\$2325.62	0
PAYROLL - 2023-11-22	11/22/2023	216264		0		\$4414.33	0
PAYROLL - 2023-11-22	11/22/2023	216265		0		\$2578.14	0
PAYROLL - 2023-11-22	11/22/2023	216266		0		\$2513.96	0
PAYROLL - 2023-11-22	11/22/2023	216267		0		\$4349.64	0
PAYROLL - 2023-11-22	11/22/2023	216268		0		\$1675.31	0
PAYROLL - 2023-11-22	11/22/2023	216269		0		\$1638.83	0
PAYROLL - 2023-11-22	11/22/2023	216270		0		\$1515.26	0
PAYROLL - 2023-11-22	11/22/2023	216271		0		\$1332.19	0
PAYROLL - 2023-11-22	11/22/2023	216272		0		\$2219.56	0
PAYROLL - 2023-11-22	11/22/2023	216273		0		\$1647.41	0
PAYROLL - 2023-11-22	11/22/2023	216274		0		\$2598.27	0
PAYROLL - 2023-11-22	11/22/2023	216275		0		\$1466.27	0
PAYROLL - 2023-11-22	11/22/2023	216276		0		\$2813.11	0
PAYROLL - 2023-11-22	11/22/2023	216277		0		\$1568.15	0
PAYROLL - 2023-11-22	11/22/2023	216278		0		\$1590.81	0
PAYROLL - 2023-11-22	11/22/2023	216279		0		\$1591.59	0
PAYROLL - 2023-11-22	11/22/2023	216280		0		\$1775.21	0
PAYROLL - 2023-11-22	11/22/2023	216281		0		\$2265.81	0
PAYROLL - 2023-11-22	11/22/2023	216282		0		\$1848.48	0
PAYROLL - 2023-11-22	11/22/2023	216283		0		\$1678.19	0
PAYROLL - 2023-11-22	11/22/2023	216284		0		\$1733.60	0
PAYROLL - 2023-11-22	11/22/2023	216285		0		\$2185.29	0
PAYROLL - 2023-11-22	11/22/2023	216286		0		\$2112.44	0
PAYROLL - 2023-11-22	11/22/2023	216287		0		\$1379.97	0
PAYROLL - 2023-11-22	11/22/2023	216288		0		\$2688.22	0
PAYROLL - 2023-11-22	11/22/2023	216289		0		\$1765.30	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216290		0		\$1377.51	0
PAYROLL - 2023-11-22	11/22/2023	216291		0		\$2469.34	0
PAYROLL - 2023-11-22	11/22/2023	216292		0		\$1845.32	0
PAYROLL - 2023-11-22	11/22/2023	216293		0		\$1740.46	0
PAYROLL - 2023-11-22	11/22/2023	216294		0		\$3313.57	0
PAYROLL - 2023-11-22	11/22/2023	216295		0		\$1856.17	0
PAYROLL - 2023-11-22	11/22/2023	216296		0		\$1508.10	0
PAYROLL - 2023-11-22	11/22/2023	216297		0		\$1827.85	0
PAYROLL - 2023-11-22	11/22/2023	216298		0		\$1792.38	0
PAYROLL - 2023-11-22	11/22/2023	216299		0		\$2104.07	0
PAYROLL - 2023-11-22	11/22/2023	216300		0		\$1544.47	0
PAYROLL - 2023-11-22	11/22/2023	216301		0		\$1999.70	0
PAYROLL - 2023-11-22	11/22/2023	216302		0		\$2075.12	0
PAYROLL - 2023-11-22	11/22/2023	216303		0		\$3127.82	0
PAYROLL - 2023-11-22	11/22/2023	216304		0		\$1889.41	0
PAYROLL - 2023-11-22	11/22/2023	216305		0		\$124.85	0
PAYROLL - 2023-11-22	11/22/2023	216306		0		\$246.15	0
PAYROLL - 2023-11-22	11/22/2023	216307		0		\$228.30	0
PAYROLL - 2023-11-22	11/22/2023	216308		0		\$906.47	0
PAYROLL - 2023-11-22	11/22/2023	216309		0		\$1870.84	0
PAYROLL - 2023-11-22	11/22/2023	216310		0		\$1455.40	0
PAYROLL - 2023-11-22	11/22/2023	216311		0		\$1570.49	0
PAYROLL - 2023-11-22	11/22/2023	216312		0		\$1961.91	0
PAYROLL - 2023-11-22	11/22/2023	216313		0		\$588.24	0
PAYROLL - 2023-11-22	11/22/2023	216314		0		\$231.87	0
PAYROLL - 2023-11-22	11/22/2023	216315		0		\$1571.39	0
PAYROLL - 2023-11-22	11/22/2023	216316		0		\$246.15	0
PAYROLL - 2023-11-22	11/22/2023	216317		0		\$242.57	0
PAYROLL - 2023-11-22	11/22/2023	216318		0		\$14.27	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216319		0		\$246.15	0
PAYROLL - 2023-11-22	11/22/2023	216320		0		\$1999.26	0
PAYROLL - 2023-11-22	11/22/2023	216321		0		\$2541.30	0
PAYROLL - 2023-11-22	11/22/2023	216322		0		\$178.36	0
PAYROLL - 2023-11-22	11/22/2023	216323		0		\$680.60	0
PAYROLL - 2023-11-22	11/22/2023	216324		0		\$1684.11	0
PAYROLL - 2023-11-22	11/22/2023	216325		0		\$249.71	0
PAYROLL - 2023-11-22	11/22/2023	216326		0		\$2282.91	0
PAYROLL - 2023-11-22	11/22/2023	216327		0		\$754.99	0
PAYROLL - 2023-11-22	11/22/2023	216328		0		\$313.91	0
PAYROLL - 2023-11-22	11/22/2023	216329		0		\$1623.63	0
PAYROLL - 2023-11-22	11/22/2023	216330		0		\$694.71	0
PAYROLL - 2023-11-22	11/22/2023	216331		0		\$246.15	0
PAYROLL - 2023-11-22	11/22/2023	216332		0		\$57.07	0
PAYROLL - 2023-11-22	11/22/2023	216333		0		\$14.27	0
PAYROLL - 2023-11-22	11/22/2023	216334		0		\$239.01	0
PAYROLL - 2023-11-22	11/22/2023	216335		0		\$426.44	0
PAYROLL - 2023-11-22	11/22/2023	216336		0		\$228.30	0
PAYROLL - 2023-11-22	11/22/2023	216337		0		\$72.53	0
PAYROLL - 2023-11-22	11/22/2023	216338		0		\$2600.59	0
PAYROLL - 2023-11-22	11/22/2023	216339		0		\$2764.53	0
PAYROLL - 2023-11-22	11/22/2023	216340		0		\$1845.82	0
PAYROLL - 2023-11-22	11/22/2023	216341		0		\$1653.96	0
PAYROLL - 2023-11-22	11/22/2023	216342		0		\$1473.37	0
PAYROLL - 2023-11-22	11/22/2023	216343		0		\$2090.19	0
PAYROLL - 2023-11-22	11/22/2023	216344		0		\$1992.19	0
PAYROLL - 2023-11-22	11/22/2023	216345		0		\$2059.92	0
PAYROLL - 2023-11-22	11/22/2023	216346		0		\$2250.06	0
PAYROLL - 2023-11-22	11/22/2023	216347		0		\$3163.64	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216348		0		\$1982.94	0
PAYROLL - 2023-11-22	11/22/2023	216349		0		\$1785.81	0
PAYROLL - 2023-11-22	11/22/2023	216350		0		\$1900.93	0
PAYROLL - 2023-11-22	11/22/2023	216351		0		\$2650.25	0
PAYROLL - 2023-11-22	11/22/2023	216352		0		\$2123.60	0
PAYROLL - 2023-11-22	11/22/2023	216353		0		\$1872.92	0
PAYROLL - 2023-11-22	11/22/2023	216354		0		\$2110.62	0
PAYROLL - 2023-11-22	11/22/2023	216355		0		\$2447.12	0
PAYROLL - 2023-11-22	11/22/2023	216356		0		\$1705.40	0
PAYROLL - 2023-11-22	11/22/2023	216357		0		\$1892.77	0
PAYROLL - 2023-11-22	11/22/2023	216358		0		\$2569.68	0
PAYROLL - 2023-11-22	11/22/2023	216359		0		\$1601.72	0
PAYROLL - 2023-11-22	11/22/2023	216360		0		\$2650.63	0
PAYROLL - 2023-11-22	11/22/2023	216361		0		\$2065.04	0
PAYROLL - 2023-11-22	11/22/2023	216362		0		\$1756.34	0
PAYROLL - 2023-11-22	11/22/2023	216363		0		\$1615.53	0
PAYROLL - 2023-11-22	11/22/2023	216364		0		\$1905.30	0
PAYROLL - 2023-11-22	11/22/2023	216365		0		\$2256.49	0
PAYROLL - 2023-11-22	11/22/2023	216366		0		\$1520.42	0
PAYROLL - 2023-11-22	11/22/2023	216367		0		\$2127.29	0
PAYROLL - 2023-11-22	11/22/2023	216368		0		\$1706.67	0
PAYROLL - 2023-11-22	11/22/2023	216369		0		\$1778.33	0
PAYROLL - 2023-11-22	11/22/2023	216370		0		\$1760.39	0
PAYROLL - 2023-11-22	11/22/2023	216371		0		\$2022.99	0
PAYROLL - 2023-11-22	11/22/2023	216372		0		\$5143.76	0
PAYROLL - 2023-11-22	11/22/2023	216373		0		\$2544.28	0
PAYROLL - 2023-11-22	11/22/2023	216374		0		\$2063.40	0
PAYROLL - 2023-11-22	11/22/2023	216375		0		\$4055.71	0
PAYROLL - 2023-11-22	11/22/2023	216376		0		\$3341.79	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216377		0		\$2048.37	0
PAYROLL - 2023-11-22	11/22/2023	216378		0		\$3017.35	0
PAYROLL - 2023-11-22	11/22/2023	216379		0		\$3731.41	0
PAYROLL - 2023-11-22	11/22/2023	216380		0		\$5372.63	0
PAYROLL - 2023-11-22	11/22/2023	216381		0		\$3316.83	0
PAYROLL - 2023-11-22	11/22/2023	216382		0		\$4515.45	0
PAYROLL - 2023-11-22	11/22/2023	216383		0		\$3832.68	0
PAYROLL - 2023-11-22	11/22/2023	216384		0		\$4272.72	0
PAYROLL - 2023-11-22	11/22/2023	216385		0		\$2577.18	0
PAYROLL - 2023-11-22	11/22/2023	216386		0		\$2904.76	0
PAYROLL - 2023-11-22	11/22/2023	216387		0		\$4307.58	0
PAYROLL - 2023-11-22	11/22/2023	216388		0		\$5439.21	0
PAYROLL - 2023-11-22	11/22/2023	216389		0		\$4116.76	0
PAYROLL - 2023-11-22	11/22/2023	216390		0		\$3765.23	0
PAYROLL - 2023-11-22	11/22/2023	216391		0		\$3058.27	0
PAYROLL - 2023-11-22	11/22/2023	216392		0		\$3954.42	0
PAYROLL - 2023-11-22	11/22/2023	216393		0		\$3733.18	0
PAYROLL - 2023-11-22	11/22/2023	216394		0		\$5947.14	0
PAYROLL - 2023-11-22	11/22/2023	216395		0		\$3941.67	0
PAYROLL - 2023-11-22	11/22/2023	216396		0		\$3130.51	0
PAYROLL - 2023-11-22	11/22/2023	216397		0		\$4561.45	0
PAYROLL - 2023-11-22	11/22/2023	216398		0		\$2732.61	0
PAYROLL - 2023-11-22	11/22/2023	216399		0		\$2896.21	0
PAYROLL - 2023-11-22	11/22/2023	216400		0		\$4052.23	0
PAYROLL - 2023-11-22	11/22/2023	216401		0		\$2028.66	0
PAYROLL - 2023-11-22	11/22/2023	216402		0		\$3474.04	0
PAYROLL - 2023-11-22	11/22/2023	216403		0		\$2867.86	0
PAYROLL - 2023-11-22	11/22/2023	216404		0		\$4263.30	0
PAYROLL - 2023-11-22	11/22/2023	216405		0		\$3850.98	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216406		0		\$3656.74	0
PAYROLL - 2023-11-22	11/22/2023	216407		0		\$8028.15	0
PAYROLL - 2023-11-22	11/22/2023	216408		0		\$4031.84	0
PAYROLL - 2023-11-22	11/22/2023	216409		0		\$3631.17	0
PAYROLL - 2023-11-22	11/22/2023	216410		0		\$3983.18	0
PAYROLL - 2023-11-22	11/22/2023	216411		0		\$3733.76	0
PAYROLL - 2023-11-22	11/22/2023	216412		0		\$2334.50	0
PAYROLL - 2023-11-22	11/22/2023	216413		0		\$1326.40	0
PAYROLL - 2023-11-22	11/22/2023	216414		0		\$5532.34	0
PAYROLL - 2023-11-22	11/22/2023	216415		0		\$1524.12	0
PAYROLL - 2023-11-22	11/22/2023	216416		0		\$3164.34	0
PAYROLL - 2023-11-22	11/22/2023	216417		0		\$2659.44	0
PAYROLL - 2023-11-22	11/22/2023	216418		0		\$4925.35	0
PAYROLL - 2023-11-22	11/22/2023	216419		0		\$770.68	0
PAYROLL - 2023-11-22	11/22/2023	216420		0		\$4943.62	0
PAYROLL - 2023-11-22	11/22/2023	216421		0		\$3070.19	0
PAYROLL - 2023-11-22	11/22/2023	216422		0		\$2881.59	0
PAYROLL - 2023-11-22	11/22/2023	216423		0		\$3408.41	0
PAYROLL - 2023-11-22	11/22/2023	216424		0		\$2779.36	0
PAYROLL - 2023-11-22	11/22/2023	216425		0		\$3682.02	0
PAYROLL - 2023-11-22	11/22/2023	216426		0		\$2699.61	0
PAYROLL - 2023-11-22	11/22/2023	216427		0		\$3091.91	0
PAYROLL - 2023-11-22	11/22/2023	216428		0		\$4235.41	0
PAYROLL - 2023-11-22	11/22/2023	216429		0		\$3057.80	0
PAYROLL - 2023-11-22	11/22/2023	216430		0		\$4144.60	0
PAYROLL - 2023-11-22	11/22/2023	216431		0		\$2944.24	0
PAYROLL - 2023-11-22	11/22/2023	216432		0		\$2934.45	0
PAYROLL - 2023-11-22	11/22/2023	216433		0		\$8307.64	0
PAYROLL - 2023-11-22	11/22/2023	216434		0		\$4056.52	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216435		0		\$3644.18	0
PAYROLL - 2023-11-22	11/22/2023	216436		0		\$2755.77	0
PAYROLL - 2023-11-22	11/22/2023	216437		0		\$6183.37	0
PAYROLL - 2023-11-22	11/22/2023	216438		0		\$4503.32	0
PAYROLL - 2023-11-22	11/22/2023	216439		0		\$4144.01	0
PAYROLL - 2023-11-22	11/22/2023	216440		0		\$6750.88	0
PAYROLL - 2023-11-22	11/22/2023	216441		0		\$4030.99	0
PAYROLL - 2023-11-22	11/22/2023	216442		0		\$3731.45	0
PAYROLL - 2023-11-22	11/22/2023	216443		0		\$1310.71	0
PAYROLL - 2023-11-22	11/22/2023	216444		0		\$3012.65	0
PAYROLL - 2023-11-22	11/22/2023	216445		0		\$4181.12	0
PAYROLL - 2023-11-22	11/22/2023	216446		0		\$3898.66	0
PAYROLL - 2023-11-22	11/22/2023	216447		0		\$4526.22	0
PAYROLL - 2023-11-22	11/22/2023	216448		0		\$4061.35	0
PAYROLL - 2023-11-22	11/22/2023	216449		0		\$2417.91	0
PAYROLL - 2023-11-22	11/22/2023	216450		0		\$3030.46	0
PAYROLL - 2023-11-22	11/22/2023	216451		0		\$3613.85	0
PAYROLL - 2023-11-22	11/22/2023	216452		0		\$4936.21	0
PAYROLL - 2023-11-22	11/22/2023	216453		0		\$1471.60	0
PAYROLL - 2023-11-22	11/22/2023	216454		0		\$3155.32	0
PAYROLL - 2023-11-22	11/22/2023	216455		0		\$2482.99	0
PAYROLL - 2023-11-22	11/22/2023	216456		0		\$1246.17	0
PAYROLL - 2023-11-22	11/22/2023	216457		0		\$798.74	0
PAYROLL - 2023-11-22	11/22/2023	216458		0		\$4573.29	0
PAYROLL - 2023-11-22	11/22/2023	216459		0		\$2870.14	0
PAYROLL - 2023-11-22	11/22/2023	216460		0		\$5108.89	0
PAYROLL - 2023-11-22	11/22/2023	216461		0		\$7358.03	0
PAYROLL - 2023-11-22	11/22/2023	216462		0		\$6481.26	0
PAYROLL - 2023-11-22	11/22/2023	216463		0		\$1902.43	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216464		0		\$9026.89	0
PAYROLL - 2023-11-22	11/22/2023	216465		0		\$8834.46	0
PAYROLL - 2023-11-22	11/22/2023	216466		0		\$5700.38	0
PAYROLL - 2023-11-22	11/22/2023	216467		0		\$7391.23	0
PAYROLL - 2023-11-22	11/22/2023	216468		0		\$4580.06	0
PAYROLL - 2023-11-22	11/22/2023	216469		0		\$8331.17	0
PAYROLL - 2023-11-22	11/22/2023	216470		0		\$8540.15	0
PAYROLL - 2023-11-22	11/22/2023	216471		0		\$1650.92	0
PAYROLL - 2023-11-22	11/22/2023	216472		0		\$7214.18	0
PAYROLL - 2023-11-22	11/22/2023	216473		0		\$1931.57	0
PAYROLL - 2023-11-22	11/22/2023	216474		0		\$7133.67	0
PAYROLL - 2023-11-22	11/22/2023	216475		0		\$2023.39	0
PAYROLL - 2023-11-22	11/22/2023	216476		0		\$8786.93	0
PAYROLL - 2023-11-22	11/22/2023	216477		0		\$3224.22	0
PAYROLL - 2023-11-22	11/22/2023	216478		0		\$7811.81	0
PAYROLL - 2023-11-22	11/22/2023	216479		0		\$5977.84	0
PAYROLL - 2023-11-22	11/22/2023	216480		0		\$4024.05	0
PAYROLL - 2023-11-22	11/22/2023	216481		0		\$4055.28	0
PAYROLL - 2023-11-22	11/22/2023	216482		0		\$3208.00	0
PAYROLL - 2023-11-22	11/22/2023	216483		0		\$8101.30	0
PAYROLL - 2023-11-22	11/22/2023	216484		0		\$2722.19	0
PAYROLL - 2023-11-22	11/22/2023	216485		0		\$6794.78	0
PAYROLL - 2023-11-22	11/22/2023	216486		0		\$1486.32	0
PAYROLL - 2023-11-22	11/22/2023	216487		0		\$1584.27	0
PAYROLL - 2023-11-22	11/22/2023	216488		0		\$7539.38	0
PAYROLL - 2023-11-22	11/22/2023	216489		0		\$7072.67	0
PAYROLL - 2023-11-22	11/22/2023	216490		0		\$8936.69	0
PAYROLL - 2023-11-22	11/22/2023	216491		0		\$1742.93	0
PAYROLL - 2023-11-22	11/22/2023	216492		0		\$3606.32	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216493		0		\$4781.90	0
PAYROLL - 2023-11-22	11/22/2023	216494		0		\$2876.13	0
PAYROLL - 2023-11-22	11/22/2023	216495		0		\$1923.45	0
PAYROLL - 2023-11-22	11/22/2023	216496		0		\$8600.60	0
PAYROLL - 2023-11-22	11/22/2023	216497		0		\$3556.13	0
PAYROLL - 2023-11-22	11/22/2023	216498		0		\$8921.49	0
PAYROLL - 2023-11-22	11/22/2023	216499		0		\$2365.67	0
PAYROLL - 2023-11-22	11/22/2023	216500		0		\$3647.11	0
PAYROLL - 2023-11-22	11/22/2023	216501		0		\$4657.07	0
PAYROLL - 2023-11-22	11/22/2023	216502		0		\$4422.94	0
PAYROLL - 2023-11-22	11/22/2023	216503		0		\$4395.44	0
PAYROLL - 2023-11-22	11/22/2023	216504		0		\$1510.40	0
PAYROLL - 2023-11-22	11/22/2023	216505		0		\$3715.84	0
PAYROLL - 2023-11-22	11/22/2023	216506		0		\$6242.86	0
PAYROLL - 2023-11-22	11/22/2023	216507		0		\$3676.60	0
PAYROLL - 2023-11-22	11/22/2023	216508		0		\$5538.22	0
PAYROLL - 2023-11-22	11/22/2023	216509		0		\$7963.62	0
PAYROLL - 2023-11-22	11/22/2023	216510		0		\$5971.87	0
PAYROLL - 2023-11-22	11/22/2023	216511		0		\$1316.46	0
PAYROLL - 2023-11-22	11/22/2023	216512		0		\$1493.46	0
PAYROLL - 2023-11-22	11/22/2023	216513		0		\$7089.08	0
PAYROLL - 2023-11-22	11/22/2023	216514		0		\$6545.76	0
PAYROLL - 2023-11-22	11/22/2023	216515		0		\$7478.61	0
PAYROLL - 2023-11-22	11/22/2023	216516		0		\$4148.02	0
PAYROLL - 2023-11-22	11/22/2023	216517		0		\$9285.40	0
PAYROLL - 2023-11-22	11/22/2023	216518		0		\$2884.79	0
PAYROLL - 2023-11-22	11/22/2023	216519		0		\$1368.48	0
PAYROLL - 2023-11-22	11/22/2023	216520		0		\$8948.15	0
PAYROLL - 2023-11-22	11/22/2023	216521		0		\$5302.98	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216522		0		\$7484.91	0
PAYROLL - 2023-11-22	11/22/2023	216523		0		\$8149.90	0
PAYROLL - 2023-11-22	11/22/2023	216524		0		\$10241.23	0
PAYROLL - 2023-11-22	11/22/2023	216525		0		\$3574.03	0
PAYROLL - 2023-11-22	11/22/2023	216526		0		\$8311.62	0
PAYROLL - 2023-11-22	11/22/2023	216527		0		\$2204.25	0
PAYROLL - 2023-11-22	11/22/2023	216528		0		\$1517.16	0
PAYROLL - 2023-11-22	11/22/2023	216529		0		\$1635.86	0
PAYROLL - 2023-11-22	11/22/2023	216530		0		\$9350.69	0
PAYROLL - 2023-11-22	11/22/2023	216531		0		\$1407.88	0
PAYROLL - 2023-11-22	11/22/2023	216532		0		\$8149.99	0
PAYROLL - 2023-11-22	11/22/2023	216533		0		\$4713.20	0
PAYROLL - 2023-11-22	11/22/2023	216534		0		\$3498.86	0
PAYROLL - 2023-11-22	11/22/2023	216535		0		\$2127.49	0
PAYROLL - 2023-11-22	11/22/2023	216536		0		\$3719.41	0
PAYROLL - 2023-11-22	11/22/2023	216537		0		\$1935.23	0
PAYROLL - 2023-11-22	11/22/2023	216538		0		\$3775.98	0
PAYROLL - 2023-11-22	11/22/2023	216539		0		\$4228.54	0
PAYROLL - 2023-11-22	11/22/2023	216540		0		\$2072.74	0
PAYROLL - 2023-11-22	11/22/2023	216541		0		\$15440.29	0
PAYROLL - 2023-11-22	11/22/2023	216542		0		\$2058.30	0
PAYROLL - 2023-11-22	11/22/2023	216543		0		\$5516.10	0
PAYROLL - 2023-11-22	11/22/2023	216544		0		\$4458.55	0
PAYROLL - 2023-11-22	11/22/2023	216545		0		\$1631.52	0
PAYROLL - 2023-11-22	11/22/2023	216546		0		\$1843.29	0
PAYROLL - 2023-11-22	11/22/2023	216547		0		\$4124.47	0
PAYROLL - 2023-11-22	11/22/2023	216548		0		\$2730.98	0
PAYROLL - 2023-11-22	11/22/2023	216549		0		\$4962.53	0
PAYROLL - 2023-11-22	11/22/2023	216550		0		\$1490.53	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216551		0		\$2742.58	0
PAYROLL - 2023-11-22	11/22/2023	216552		0		\$6007.53	0
PAYROLL - 2023-11-22	11/22/2023	216553		0		\$3963.64	0
PAYROLL - 2023-11-22	11/22/2023	216554		0		\$4773.70	0
PAYROLL - 2023-11-22	11/22/2023	216555		0		\$4945.33	0
PAYROLL - 2023-11-22	11/22/2023	216556		0		\$3353.65	0
PAYROLL - 2023-11-22	11/22/2023	216557		0		\$2547.44	0
PAYROLL - 2023-11-22	11/22/2023	216558		0		\$3110.86	0
PAYROLL - 2023-11-22	11/22/2023	216559		0		\$1568.52	0
PAYROLL - 2023-11-22	11/22/2023	216560		0		\$6707.70	0
PAYROLL - 2023-11-22	11/22/2023	216561		0		\$3859.51	0
PAYROLL - 2023-11-22	11/22/2023	216562		0		\$1496.56	0
PAYROLL - 2023-11-22	11/22/2023	216563		0		\$2812.85	0
PAYROLL - 2023-11-22	11/22/2023	216564		0		\$3702.19	0
PAYROLL - 2023-11-22	11/22/2023	216565		0		\$6481.93	0
PAYROLL - 2023-11-22	11/22/2023	216566		0		\$2668.95	0
PAYROLL - 2023-11-22	11/22/2023	216567		0		\$4188.48	0
PAYROLL - 2023-11-22	11/22/2023	216568		0		\$2626.33	0
PAYROLL - 2023-11-22	11/22/2023	216569		0		\$3614.21	0
PAYROLL - 2023-11-22	11/22/2023	216570		0		\$1499.34	0
PAYROLL - 2023-11-22	11/22/2023	216571		0		\$5407.41	0
PAYROLL - 2023-11-22	11/22/2023	216572		0		\$2674.19	0
PAYROLL - 2023-11-22	11/22/2023	216573		0		\$4824.44	0
PAYROLL - 2023-11-22	11/22/2023	216574		0		\$2349.37	0
PAYROLL - 2023-11-22	11/22/2023	216575		0		\$3084.00	0
PAYROLL - 2023-11-22	11/22/2023	216576		0		\$4279.71	0
PAYROLL - 2023-11-22	11/22/2023	216577		0		\$1748.11	0
PAYROLL - 2023-11-22	11/22/2023	216578		0		\$4151.46	0
PAYROLL - 2023-11-22	11/22/2023	216579		0		\$3618.12	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216580		0		\$3823.58	0
PAYROLL - 2023-11-22	11/22/2023	216581		0		\$5523.68	0
PAYROLL - 2023-11-22	11/22/2023	216582		0		\$2946.18	0
PAYROLL - 2023-11-22	11/22/2023	216583		0		\$3000.66	0
PAYROLL - 2023-11-22	11/22/2023	216584		0		\$421.61	0
PAYROLL - 2023-11-22	11/22/2023	216585		0		\$1550.67	0
PAYROLL - 2023-11-22	11/22/2023	216586		0		\$3475.84	0
PAYROLL - 2023-11-22	11/22/2023	216587		0		\$2312.15	0
PAYROLL - 2023-11-22	11/22/2023	216588		0		\$2495.16	0
PAYROLL - 2023-11-22	11/22/2023	216589		0		\$1645.15	0
PAYROLL - 2023-11-22	11/22/2023	216590		0		\$836.53	0
PAYROLL - 2023-11-22	11/22/2023	216591		0		\$2360.27	0
PAYROLL - 2023-11-22	11/22/2023	216592		0		\$2363.37	0
PAYROLL - 2023-11-22	11/22/2023	216593		0		\$2291.00	0
PAYROLL - 2023-11-22	11/22/2023	216594		0		\$1799.66	0
PAYROLL - 2023-11-22	11/22/2023	216595		0		\$2292.19	0
PAYROLL - 2023-11-22	11/22/2023	216596		0		\$2257.52	0
PAYROLL - 2023-11-22	11/22/2023	216597		0		\$2727.52	0
PAYROLL - 2023-11-22	11/22/2023	216598		0		\$1839.59	0
PAYROLL - 2023-11-22	11/22/2023	216599		0		\$1721.88	0
PAYROLL - 2023-11-22	11/22/2023	216600		0		\$5244.56	0
PAYROLL - 2023-11-22	11/22/2023	216601		0		\$1698.50	0
PAYROLL - 2023-11-22	11/22/2023	216602		0		\$1959.68	0
PAYROLL - 2023-11-22	11/22/2023	216603		0		\$2287.19	0
PAYROLL - 2023-11-22	11/22/2023	216604		0		\$1929.07	0
PAYROLL - 2023-11-22	11/22/2023	216605		0		\$3147.75	0
PAYROLL - 2023-11-22	11/22/2023	216606		0		\$1854.16	0
PAYROLL - 2023-11-22	11/22/2023	216607		0		\$1812.36	0
PAYROLL - 2023-11-22	11/22/2023	216608		0		\$1682.20	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216609		0		\$2196.32	0
PAYROLL - 2023-11-22	11/22/2023	216610		0		\$2092.36	0
PAYROLL - 2023-11-22	11/22/2023	216611		0		\$1844.84	0
PAYROLL - 2023-11-22	11/22/2023	216612		0		\$2853.55	0
PAYROLL - 2023-11-22	11/22/2023	216613		0		\$1795.58	0
PAYROLL - 2023-11-22	11/22/2023	216614		0		\$1702.17	0
PAYROLL - 2023-11-22	11/22/2023	216615		0		\$2107.56	0
PAYROLL - 2023-11-22	11/22/2023	216616		0		\$1761.19	0
PAYROLL - 2023-11-22	11/22/2023	216617		0		\$2039.60	0
PAYROLL - 2023-11-22	11/22/2023	216618		0		\$1757.10	0
PAYROLL - 2023-11-22	11/22/2023	216619		0		\$1979.84	0
PAYROLL - 2023-11-22	11/22/2023	216620		0		\$1208.53	0
PAYROLL - 2023-11-22	11/22/2023	216621		0		\$2225.46	0
PAYROLL - 2023-11-22	11/22/2023	216622		0		\$1463.22	0
PAYROLL - 2023-11-22	11/22/2023	216623		0		\$3769.32	0
PAYROLL - 2023-11-22	11/22/2023	216624		0		\$1759.05	0
PAYROLL - 2023-11-22	11/22/2023	216625		0		\$2358.55	0
PAYROLL - 2023-11-22	11/22/2023	216626		0		\$3216.22	0
PAYROLL - 2023-11-22	11/22/2023	216627		0		\$1705.31	0
PAYROLL - 2023-11-22	11/22/2023	216628		0		\$2180.01	0
PAYROLL - 2023-11-22	11/22/2023	216629		0		\$2854.53	0
PAYROLL - 2023-11-22	11/22/2023	216630		0		\$1942.67	0
PAYROLL - 2023-11-22	11/22/2023	216631		0		\$1868.80	0
PAYROLL - 2023-11-22	11/22/2023	216632		0		\$1818.97	0
PAYROLL - 2023-11-22	11/22/2023	216633		0		\$2495.29	0
PAYROLL - 2023-11-22	11/22/2023	216634		0		\$2123.88	0
PAYROLL - 2023-11-22	11/22/2023	216635		0		\$1981.40	0
PAYROLL - 2023-11-22	11/22/2023	216636		0		\$2424.03	0
PAYROLL - 2023-11-22	11/22/2023	216637		0		\$933.33	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216638		0		\$1927.95	0
PAYROLL - 2023-11-22	11/22/2023	216639		0		\$1945.25	0
PAYROLL - 2023-11-22	11/22/2023	216640		0		\$2196.04	0
PAYROLL - 2023-11-22	11/22/2023	216641		0		\$1995.55	0
PAYROLL - 2023-11-22	11/22/2023	216642		0		\$1956.61	0
PAYROLL - 2023-11-22	11/22/2023	216643		0		\$2050.66	0
PAYROLL - 2023-11-22	11/22/2023	216644		0		\$2174.57	0
PAYROLL - 2023-11-22	11/22/2023	216645		0		\$2170.34	0
PAYROLL - 2023-11-22	11/22/2023	216646		0		\$1371.72	0
PAYROLL - 2023-11-22	11/22/2023	216647		0		\$1791.63	0
PAYROLL - 2023-11-22	11/22/2023	216648		0		\$1766.66	0
PAYROLL - 2023-11-22	11/22/2023	216649		0		\$2405.80	0
PAYROLL - 2023-11-22	11/22/2023	216650		0		\$692.43	0
PAYROLL - 2023-11-22	11/22/2023	216651		0		\$2186.21	0
PAYROLL - 2023-11-22	11/22/2023	216652		0		\$2102.65	0
PAYROLL - 2023-11-22	11/22/2023	216653		0		\$1854.92	0
PAYROLL - 2023-11-22	11/22/2023	216654		0		\$2363.31	0
PAYROLL - 2023-11-22	11/22/2023	216655		0		\$1983.81	0
PAYROLL - 2023-11-22	11/22/2023	216656		0		\$2263.77	0
PAYROLL - 2023-11-22	11/22/2023	216657		0		\$2260.59	0
PAYROLL - 2023-11-22	11/22/2023	216658		0		\$1169.06	0
PAYROLL - 2023-11-22	11/22/2023	216659		0		\$1487.28	0
PAYROLL - 2023-11-22	11/22/2023	216660		0		\$2333.92	0
PAYROLL - 2023-11-22	11/22/2023	216661		0		\$1851.16	0
PAYROLL - 2023-11-22	11/22/2023	216662		0		\$1920.69	0
PAYROLL - 2023-11-22	11/22/2023	216663		0		\$1890.37	0
PAYROLL - 2023-11-22	11/22/2023	216664		0		\$1710.63	0
PAYROLL - 2023-11-22	11/22/2023	216665		0		\$1661.05	0
PAYROLL - 2023-11-22	11/22/2023	216666		0		\$1694.77	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216667		0		\$2472.85	0
PAYROLL - 2023-11-22	11/22/2023	216668		0		\$1544.44	0
PAYROLL - 2023-11-22	11/22/2023	216669		0		\$2024.85	0
PAYROLL - 2023-11-22	11/22/2023	216670		0		\$2121.99	0
PAYROLL - 2023-11-22	11/22/2023	216671		0		\$1647.49	0
PAYROLL - 2023-11-22	11/22/2023	216672		0		\$2434.50	0
PAYROLL - 2023-11-22	11/22/2023	216673		0		\$2078.87	0
PAYROLL - 2023-11-22	11/22/2023	216674		0		\$1735.66	0
PAYROLL - 2023-11-22	11/22/2023	216675		0		\$2839.72	0
PAYROLL - 2023-11-22	11/22/2023	216676		0		\$2160.77	0
PAYROLL - 2023-11-22	11/22/2023	216677		0		\$2909.42	0
PAYROLL - 2023-11-22	11/22/2023	216678		0		\$1383.22	0
PAYROLL - 2023-11-22	11/22/2023	216679		0		\$2438.73	0
PAYROLL - 2023-11-22	11/22/2023	216680		0		\$1409.00	0
PAYROLL - 2023-11-22	11/22/2023	216681		0		\$2275.78	0
PAYROLL - 2023-11-22	11/22/2023	216682		0		\$2144.25	0
PAYROLL - 2023-11-22	11/22/2023	216683		0		\$2999.20	0
PAYROLL - 2023-11-22	11/22/2023	216684		0		\$1432.28	0
PAYROLL - 2023-11-22	11/22/2023	216685		0		\$1510.28	0
PAYROLL - 2023-11-22	11/22/2023	216686		0		\$1364.33	0
PAYROLL - 2023-11-22	11/22/2023	216687		0		\$2908.18	0
PAYROLL - 2023-11-22	11/22/2023	216688		0		\$3475.53	0
PAYROLL - 2023-11-22	11/22/2023	216689		0		\$2066.06	0
PAYROLL - 2023-11-22	11/22/2023	216690		0		\$2905.76	0
PAYROLL - 2023-11-22	11/22/2023	216691		0		\$1815.31	0
PAYROLL - 2023-11-22	11/22/2023	216692		0		\$1602.51	0
PAYROLL - 2023-11-22	11/22/2023	216693		0		\$2144.62	0
PAYROLL - 2023-11-22	11/22/2023	216694		0		\$1667.48	0
PAYROLL - 2023-11-22	11/22/2023	216695		0		\$1910.26	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216696		0		\$2072.29	0
PAYROLL - 2023-11-22	11/22/2023	216697		0		\$2061.01	0
PAYROLL - 2023-11-22	11/22/2023	216698		0		\$4044.06	0
PAYROLL - 2023-11-22	11/22/2023	216699		0		\$2415.03	0
PAYROLL - 2023-11-22	11/22/2023	216700		0		\$2966.80	0
PAYROLL - 2023-11-22	11/22/2023	216701		0		\$2073.84	0
PAYROLL - 2023-11-22	11/22/2023	216702		0		\$3242.02	0
PAYROLL - 2023-11-22	11/22/2023	216703		0		\$1199.85	0
PAYROLL - 2023-11-22	11/22/2023	216704		0		\$4001.04	0
PAYROLL - 2023-11-22	11/22/2023	216705		0		\$1230.66	0
PAYROLL - 2023-11-22	11/22/2023	216706		0		\$2223.30	0
PAYROLL - 2023-11-22	11/22/2023	216707		0		\$3087.05	0
PAYROLL - 2023-11-22	11/22/2023	216708		0		\$2391.23	0
PAYROLL - 2023-11-22	11/22/2023	216709		0		\$3502.17	0
PAYROLL - 2023-11-22	11/22/2023	216710		0		\$2984.12	0
PAYROLL - 2023-11-22	11/22/2023	216711		0		\$3498.39	0
PAYROLL - 2023-11-22	11/22/2023	216712		0		\$2168.68	0
PAYROLL - 2023-11-22	11/22/2023	216713		0		\$1517.73	0
PAYROLL - 2023-11-22	11/22/2023	216714		0		\$3005.99	0
PAYROLL - 2023-11-22	11/22/2023	216715		0		\$2029.91	0
PAYROLL - 2023-11-22	11/22/2023	216716		0		\$1663.38	0
PAYROLL - 2023-11-22	11/22/2023	216717		0		\$3675.86	0
PAYROLL - 2023-11-22	11/22/2023	216718		0		\$2139.06	0
PAYROLL - 2023-11-22	11/22/2023	216719		0		\$2981.35	0
PAYROLL - 2023-11-22	11/22/2023	216720		0		\$4313.95	0
PAYROLL - 2023-11-22	11/22/2023	216721		0		\$2440.04	0
PAYROLL - 2023-11-22	11/22/2023	216722		0		\$4593.65	0
PAYROLL - 2023-11-22	11/22/2023	216723		0		\$2193.26	0
PAYROLL - 2023-11-22	11/22/2023	216724		0		\$2814.25	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216725		0		\$1529.43	0
PAYROLL - 2023-11-22	11/22/2023	216726		0		\$5704.39	0
PAYROLL - 2023-11-22	11/22/2023	216727		0		\$1820.82	0
PAYROLL - 2023-11-22	11/22/2023	216728		0		\$2638.49	0
PAYROLL - 2023-11-22	11/22/2023	216729		0		\$3708.92	0
PAYROLL - 2023-11-22	11/22/2023	216730		0		\$1723.79	0
PAYROLL - 2023-11-22	11/22/2023	216731		0		\$4030.30	0
PAYROLL - 2023-11-22	11/22/2023	216732		0		\$4162.15	0
PAYROLL - 2023-11-22	11/22/2023	216733		0		\$4277.78	0
PAYROLL - 2023-11-22	11/22/2023	216734		0		\$3788.95	0
PAYROLL - 2023-11-22	11/22/2023	216735		0		\$2437.04	0
PAYROLL - 2023-11-22	11/22/2023	216736		0		\$3441.78	0
PAYROLL - 2023-11-22	11/22/2023	216737		0		\$1394.99	0
PAYROLL - 2023-11-22	11/22/2023	216738		0		\$3672.57	0
PAYROLL - 2023-11-22	11/22/2023	216739		0		\$2486.76	0
PAYROLL - 2023-11-22	11/22/2023	216740		0		\$2691.19	0
PAYROLL - 2023-11-22	11/22/2023	216741		0		\$908.90	0
PAYROLL - 2023-11-22	11/22/2023	216742		0		\$1190.20	0
PAYROLL - 2023-11-22	11/22/2023	216743		0		\$3383.30	0
PAYROLL - 2023-11-22	11/22/2023	216744		0		\$1082.88	0
PAYROLL - 2023-11-22	11/22/2023	216745		0		\$2056.10	0
PAYROLL - 2023-11-22	11/22/2023	216746		0		\$1910.34	0
PAYROLL - 2023-11-22	11/22/2023	216747		0		\$1147.56	0
PAYROLL - 2023-11-22	11/22/2023	216748		0		\$2017.82	0
PAYROLL - 2023-11-22	11/22/2023	216749		0		\$2125.97	0
PAYROLL - 2023-11-22	11/22/2023	216750		0		\$1873.55	0
PAYROLL - 2023-11-22	11/22/2023	216751		0		\$1125.37	0
PAYROLL - 2023-11-22	11/22/2023	216752		0		\$1650.04	0
PAYROLL - 2023-11-22	11/22/2023	216753		0		\$103.97	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
PAYROLL - 2023-11-22	11/22/2023	216754		0		\$942.03	0
PAYROLL - 2023-11-22	11/22/2023	216755		0		\$906.50	0
PAYROLL - 2023-11-22	11/22/2023	216756		0		\$1075.98	0
PAYROLL - 2023-11-22	11/22/2023	216757		0		\$1069.73	0
PAYROLL - 2023-11-22	11/22/2023	216758		0		\$1684.23	0
PAYROLL - 2023-11-22	11/22/2023	216759		0		\$94.17	0
PAYROLL - 2023-11-22	11/22/2023	216760		0		\$2762.40	0
PAYROLL - 2023-11-22	11/22/2023	216761		0		\$1377.81	0
PAYROLL - 2023-11-22	11/22/2023	216762		0		\$783.50	0
PAYROLL - 2023-11-22	11/22/2023	216763		0		\$1861.21	0
PAYROLL - 2023-11-22	11/22/2023	216764		0		\$1410.07	0
PAYROLL - 2023-11-22	11/22/2023	216765		0		\$1964.33	0
PAYROLL - 2023-11-22	11/22/2023	216766		0		\$1220.41	0
PAYROLL - 2023-11-22	11/22/2023	216767		0		\$952.70	0
PAYROLL - 2023-11-22	11/22/2023	216768		0		\$586.11	0
PAYROLL - 2023-11-22	11/22/2023	216769		0		\$1478.94	0
PAYROLL - 2023-11-22	11/22/2023	216770		0		\$549.92	0
PAYROLL - 2023-11-22	11/22/2023	216771		0		\$1349.15	0
PAYROLL - 2023-11-22	11/22/2023	216772		0		\$1699.88	0
PAYROLL - 2023-11-22	11/22/2023	216773		0		\$659.03	0
PAYROLL - 2023-11-22	11/22/2023	216774		0		\$1894.09	0
PAYROLL - 2023-11-22	11/22/2023	216775		0		\$343.71	0
PAYROLL - 2023-11-22	11/22/2023	216776		0		\$389.52	0
PAYROLL - 2023-11-22	11/22/2023	216777		0		\$430.39	0
PAYROLL - 2023-11-22	11/22/2023	216778		0		\$527.81	0
PAYROLL - 2023-11-22	11/22/2023	216779		0		\$424.50	0
PAYROLL - 2023-11-22	11/22/2023	216780		0		\$75.00	0
PAYROLL - 2023-11-22	11/22/2023	216781		0		\$7927.99	0
PAYROLL - 2023-11-22	TOTALS:					\$1,605,973.49	0

Payroll Direct Deposits / Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT	VOID AMT
					Grand Total	\$2,942,985.91	0

Pension Checks 11/1/2023 - 11/30/2023

CHECK TYPE	CHECK DATE	CHECKNBR	VOID	EMP#	EMP NAME	DD AMT
PENSION - 2023-11-30	11/30/2023	6610	N	0		\$939.40
PENSION - 2023-11-30	11/30/2023	6611	N	0		\$800.01
PENSION - 2023-11-30	11/30/2023	6612	N	0		\$644.19
PENSION - 2023-11-30	11/30/2023	6613	N	0		\$1348.94
PENSION - 2023-11-30	11/30/2023	6614	N	0		\$631.01
PENSION - 2023-11-30	11/30/2023	6615	N	0		\$1516.36
PENSION - 2023-11-30	11/30/2023	6616	N	0		\$648.90
PENSION - 2023-11-30	11/30/2023	6617	N	0		\$940.24
PENSION - 2023-11-30	11/30/2023	6618	N	0		\$691.90
PENSION - 2023-11-30	11/30/2023	6619	N	0		\$1276.07
PENSION - 2023-11-30	11/30/2023	6620	N	0		\$637.53
PENSION - 2023-11-30	11/30/2023	6621	N	0		\$1527.48
PENSION - 2023-11-30	11/30/2023	6622	N	0		\$786.04
PENSION - 2023-11-30	11/30/2023	6623	N	0		\$1044.20
PENSION - 2023-11-30	11/30/2023	6624	N	0		\$416.78
PENSION - 2023-11-30	11/30/2023	6625	N	0		\$542.78
PENSION - 2023-11-30	11/30/2023	6626	N	0		\$492.48
PENSION - 2023-11-30	11/30/2023	6627	N	0		\$964.30
PENSION - 2023-11-30	11/30/2023	6628	N	0		\$1333.21
PENSION - 2023-11-30	11/30/2023	6629	N	0		\$1089.96
PENSION - 2023-11-30	11/30/2023	6630	N	0		\$1886.77
PENSION - 2023-11-30	11/30/2023	6631	N	0		\$524.20
PENSION - 2023-11-30	11/30/2023	6632	N	0		\$703.23
PENSION - 2023-11-30	TOTALS:					\$21,385.98
					Grand Total	\$21,385.98



Proclamation

WHEREAS, Terry Christensen was first elected to the Richland City Council in November 2011 and served for twelve years until December 31, 2023; and

WHEREAS, prior to joining the Richland City Council, Mayor Christensen spent his time and talent serving the City of Richland for nine years on the Parks & Recreation Commission (March 2002 - November 2011); and

WHEREAS, Mayor Christensen was elected on three separate occasions by his councilmember peers to serve as Richland's mayor pro tem (2016 - 2022); and

WHEREAS, following former mayor Michael Alvarez's resignation on January 3, 2023, Mayor Pro Tem Christensen succeeded to the role of mayor for the 2023 calendar year; and

WHEREAS, during his tenure on the Richland City Council, Mayor Christensen diligently served the City through numerous council appointments and mayoral appearances, including serving as council liaison to Richland's Code Enforcement Board, Economic Development Committee, Emergency Operations Board, Lodging Tax Advisory Committee, Utility Advisory Committee, and the now-disbanded Housing & Community Development Advisory Committee; and

WHEREAS, Mayor Christensen also served on several *ad hoc* council committees, including the Business License Reserve Committee, Capital Improvement Plan (CIP) Annual Review Committee, City Manager Performance Objectives Committee, Council Assignments Committee, and Operating Budget Annual Review Committee; and

WHEREAS, in addition to the above, Mayor Christensen also represented the City on numerous external boards, either directly or as a liaison, including the Ben Franklin Transit Board, Benton County 2060 Affordable Housing Steering Committee, Benton County Solid Waste Advisory Committee, Energy Communities Alliance, Hanford Communities Governing Board, Port of Benton, Port of Kennewick, Richland Seniors Association, Tri-Cities Regional Chamber of Commerce, and the Tri-Cities Regional Public Facilities District; and

WHEREAS, Mayor Christensen has been a champion of liberty, individual rights and personal responsibility, and his dedication to these concepts is evident in actions he has taken on behalf of citizens and visitors to preserve and enhance the quality of life in the City of Richland.

NOW, THEREFORE, I, Theresa Richardson, by virtue of the authority vested in me as Mayor Pro Tem of the City of Richland, do hereby express publicly and formally to Terry Christensen the City's appreciation for the services Mayor Christensen rendered during his tenure on the Richland City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the official seal of the City of Richland, Washington, on this 19th day of December, 2023.


Theresa Richardson
Theresa Richardson, Mayor Pro Tem



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 12/19/2023

Agenda Category: Items of Business

Core Focus Area 3 - Increase Economic Vitality

Subject:

Ordinance No. 2023-35, Amending Title 26 of the Richland Municipal Code regarding Shoreline Management

Department/Office
Development Services

Ordinance/Resolution Number:
2023-35

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2023-35, amending the Richland Municipal Code related to Shoreline Management.

Summary:

The City of Richland is undertaking a periodic review of its Shoreline Master Program (SMP) as required by the Washington State Shoreline Management Act, Ch. 90.58 RCW. The SMA requires each SMP to be reviewed and revised, if needed, on an eight-year schedule. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Richland plans and regulations, and is responsive to changed circumstances, new information, and improved data.

PROCESS TIMELINE

- October 6, 2020, the Richland City Council passed Resolution 135-20 adopting Richland's 2021 Shoreline Master Program Periodic Review Public Participation and Work Plan outlining the anticipated public involvement process for the SMP update.
- November 18, 2020, the Planning Commission hosted an open-house event to initiate the process and to answer any preliminary questions from the public.
- March 8, 2021, the City issued the required 60-day notice to the WA Department of Commerce for the proposed amendment to development regulations, thereby fulfilling the requirements of 36.70A.106 (1) RCW.
- The City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on March 15, 2021, on the proposed update.
- March 24, 2021, the Richland Planning Commission conducted a workshop meeting to discuss the SMP update.
- The City and the Department of Ecology (Ecology) issued a joint notice advertising an open public comment period from May 10 to June 8, 2021. The City received many comments from the public and did not receive any comments from State and local agencies.
- June 9, 2021, the Planning Commission held a public hearing to discuss the SMP update. Two members of the public made comments and Chelsea Benner explained her role as a representative of the Department of Ecology. The Planning Commission decided to postpone action on the SMP update to allow City and State officials time to respond to written and oral comments received on the update. The minutes from the public hearing are included as Exhibit 3.
- October 25, 2023, the Planning Commission held a second public hearing to take additional public testimony and review written comments on the proposed SMP revisions, review the suggested revisions to the proposed amendments and adopted findings of fact, and subsequently recommends approval of the proposed amendments with additional edits, and forwarded it to the City Council for review and adoption.

Fiscal Impact: None.

Attachments:

1. Ordinance No. 2023-35
2. Shoreline Master Program Update - Staff Report
3. Public Comment Matrix

WHEN RECORDED RETURN TO:

Richland City Clerk's Office
625 Swift Boulevard, MS-05
Richland, WA 99352

ORDINANCE NO. 2023-35

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING TITLE 26: SHORELINE MANAGEMENT OF THE
RICHLAND MUNICIPAL CODE REGARDING AMENDING THE
SHORELINE MASTER PROGRAM.**

WHEREAS, the State of Washington enacted the Shoreline Management Act (SMA) (RCW 90.58) by a vote of the people in 1972; and

WHEREAS, the SMA requires the City of Richland to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, on October 21, 2014, the City of Richland adopted the City's most recent version of the City of Richland Shoreline Master Program through the approval of Ordinance No. 25-14; and

WHEREAS, on February 20, 2018, through Ordinance No. 12-18, Richland City Council took final legislative action to formally adopt the Department of Ecology's recommended and required changes to Richland's Shoreline Master Program, and to correct several scrivener's errors subsequently identified in Ordinance No. 25-14; and

WHEREAS, RCW 90.58.080(4) of the SMA requires the City of Richland to take legislative action to review and update its Shoreline Master Program by June 30, 2021; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the Act or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and

regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, in accordance with WAC 173-26-090(3)(a), the City developed a public participation program for this periodic review to inform, involve, and encourage the participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the City followed its adopted public participation program, including maintaining a project website; and

WHEREAS, the City used the Department of Ecology's checklist of legislative and rule amendments to review amendments to Chapter 90.58 RCW and department guidelines that have occurred since the City's SMP was last amended, and to determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, in accordance with WAC 173-26-090(3)(b)(iii), the City considered whether to incorporate any amendments needed to reflect changed circumstances, new information, or improved data; and

WHEREAS, there are no proposed amendments to the shoreline goals and policies as found in the City's Comprehensive Plan, and the proposed amendments to Title 26 RMC will make the SMP more consistent with the SMA; and

WHEREAS, the SMP and proposed amendments ensure no net loss of shoreline ecological functions and processes on a programmatic basis in accordance with the baseline functions present as of June 2014 (the final shoreline inventory, analysis, and characterization report); and

WHEREAS, in accordance with WAC 173-26-104, the City consulted with the Department of Ecology early and often during the drafting of the amendments, and worked collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines; and

WHEREAS, in accordance with WAC 173-26-100(5), the City provided a Notice of Intent to Adopt to the Washington State Department of Commerce on March 8, 2021; and

WHEREAS, the City's SEPA responsible official issued a Determination of Non-Significance (DNS) on March 15, 2021, to which no appeal was taken; and

WHEREAS, the Planning Commission held a joint public hearing on June 9, 2021 to take public testimony and review written comments on the proposed SMP revisions. The Planning Commission also reviewed the suggested revisions to the proposed amendments and adopted findings of fact, and decided to postpone action on the SMP update to allow City and State officials time to respond to written and oral comments received on the update; and

WHEREAS, in accordance with RCW 90.58.080, the City published a legal notice in the Tri City Herald on October 8, 2023, for a public hearing before the Planning Commission, including a statement that the hearings were intended to address periodic review of the SMP; and

WHEREAS, the Planning Commission held a second public hearing on October 25, 2023, to take additional public testimony and review written comments on the proposed SMP revisions, review the suggested revisions to the proposed amendments and findings of fact, and recommend City Council approval of the proposed amendments with additional edits; and

WHEREAS, the City utilized the optional joint review process pursuant to WAC 173-26-104 and completed the process following the standard process pursuant to WAC 173-26-100.

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

Section 1. After considering all public comments and evidence, Richland City Council hereby determines that the proposed amendments comply with all applicable laws and rules, and hereby adopts the findings of fact of the Richland Planning Commission as the findings of fact of the Richland City Council.

Section 2. Richland City Council hereby finds that the review and evaluation required by RCW 90.58.080(4) have been successfully completed as described in the above recitals.

Section 3. The Shoreline Master Program, codified as Title 26 of the Richland Municipal Code, is hereby amended to read as set forth in **Exhibit A**, attached to this Ordinance and incorporated herein by this reference.

Section 4. The Richland City Council hereby adopts the above-referenced Shoreline Master Program revisions (**Exhibit A**) and finds the amended Shoreline Master Program consistent with the requirements of Chapter 90.58 RCW and WAC 173-26, as they apply to these amendments.

Section 5. The City's consultant, AHBL, Inc., is hereby directed to submit the Shoreline Master Program and associated documents to the Department of Ecology for review and approval. Once approved by the Department of Ecology, no further action is necessary for compliance with RCW 90.58.080(4) for the periodic review.

Section 6. The amendments to the Shoreline Master Program adopted through this Ordinance shall be effective 14 calendar days from the date of the Department of Ecology's written notice of final action as provided by RCW 90.58.090(7).

Section 7. 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 8. 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.

Terry Christensen, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____

TITLE 26
SHORELINE MANAGEMENT

Chapters:

- 26.01 General Provisions**
 - 26.10 Shoreline Jurisdiction and Shoreline Environment Designations**
 - 26.20 General Regulations**
 - 26.30 Use Regulations**
 - 26.40 Shoreline Modification Regulations**
 - 26.50 Permit Administration and Enforcement**
 - 26.60 ~~Sensitive~~ Critical Areas**
 - 26.70 No Special Duty Created**
 - 26.71 Severability**
 - 26.80 Definitions**
-

Chapter 26.01 GENERAL PROVISIONS

Sections:

26.01.010 Short title.

26.01.020 Purpose.

26.01.030 Shoreline Master program adopted.

26.01.040 Shoreline master program review.

26.01.050 Annexations.

26.01.060 Amendments.

26.01.010 Short title.

This title shall be known and may be cited as the “Richland shoreline master program” and is sometimes hereinafter referred to as the “shoreline master program.”

26.01.020 Purpose.

The purpose of the shoreline master program is to implement the Shoreline Management Act of 1971 as now or hereafter amended (Chapter 90.58 RCW); and to provide for wise and proper management of ~~shorelands, wetlands, and water bodies~~ shorelines of the state in a manner that will allow present and future generations of users the opportunity to enjoy water resources; consistent with the goals, policies and stated purposes of the shoreline program while, ~~at the same time,~~ recognizing and protecting private property rights consistent with the public interest. This title carries out the responsibilities imposed on the city of Richland by the Shoreline Management Act of 1971 as now or hereafter amended by adopting the policies enunciated in RCW 90.58.010, the Richland shoreline master program, and in implementation thereof, the regulations and administrative provisions contained herein.

26.01.030 Shoreline Master program adopted.

The Richland shoreline master program consists of the following ~~elements~~ components which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090:

A. Comprehensive plan policies in the shoreline section of the land use element of the Comprehensive Plan.

B. Regulations in this title, Shoreline Management.

C. ~~Sensitive area~~ Critical Areas regulations ~~in Chapter 22.10 RMC as amended and incorporated into this program as part of this title, specifically~~ which apply within Shoreline Jurisdiction, located at Chapter 26.60 RMC.

D. The Shoreline Restoration and Protection Plan ~~shoreline restoration element of the shoreline master plan~~, of which one printed copy in book form is on file in the office of the city clerk and made available for examination by the general public, shall not be considered to contain regulations but shall be utilized as a guideline for capital improvements planning by the city and

other jurisdictions undertaking ecological restoration activities within Shoreline Management Act jurisdiction.

E. Maps, including the shoreline environment designation and regulatory reaches map and the map folio in the ~~SMP inventory, analysis and characterization report~~ [Shoreline Inventory, Analysis, and Characterization Report](#), of which one original copy is on file in the office of the city clerk and made available for examination by the general public, and another original copy of which is available at the community development department. Electronic copies may also be posted online at the city's website.

26.01.040 Shoreline [master](#) program review.

The planning commission shall ~~conduct an annual~~ review [proposed changes to](#) ~~of~~ the ~~master~~ shoreline [master](#) program and shall recommend to city council any changes or modifications deemed appropriate. After a public hearing, the city council shall adopt, [adopt with modifications,](#) ~~or deny, or adopt with modifications~~ the recommendations of the planning commission. ~~The~~ [Following local adoption, the](#) shoreline master program is then sent to the Department of Ecology for final review and approval.

[The City shall conduct a review of the shoreline master program at regular intervals as required by RCW 90.58.080\(4\)\(b\). Following the review, the City shall, if necessary, revise the master program. The purpose of the review is:](#)

[A. To assure that the SMP complies with applicable laws and guidelines in effect at the time of the review; and](#)

[B. To assure consistency of the SMP with the comprehensive plan and development regulations adopted under RCW 36.70A, if applicable, and other local requirements.](#)

26.01.050 Annexations.

It is anticipated that future annexations to the city of Richland may include water bodies, shorelines, and wetlands which are subject to the Shoreline Management Act of 1971, as amended. Areas [outside of the city limits but](#) within the city's urban growth area are assigned [pre-designated](#) shoreline environmental designations in accordance with WAC 173-26-150. Policies and regulations of this program shall take effect concurrent with annexation. No additional procedures are required by the city or the Department of Ecology for these provisions to have full force and effect.

26.01.060 Amendments.

It is recognized that future amendments to the ~~master~~ shoreline [master](#) program may be necessary in the interest of the health, safety, and general welfare of the ~~citizens~~ [residents](#) of Richland and the state of Washington. In addition to the requirements in WAC 173-26-100, the following procedure shall be observed in amending the ~~master~~ shoreline [master](#) program:

A. Proposed amendments to the regulations and boundaries set forth in this program shall follow the procedures outlined in RMC 23.70.180 through 23.70.250 [and shall be submitted](#) on forms provided by the administrator.

B. There shall be established a mailing list of interested agencies, associations and organizations to be notified of any proposed amendments to the ~~master~~ shoreline master program. It shall be the responsibility of the agency, association, or organization to indicate in writing their interest in being included on the mailing list and their official mailing address.

C. Fees as set forth in the schedule of fees referenced in Chapter 19.80 RMC shall accompany applications for an amendment to the ~~master~~ shoreline master program.

D. No amendment to the ~~master~~ shoreline master program shall take effect without Department of Ecology review and approval.

This space intentionally left blank.

Chapter 26.10
SHORELINE JURISDICTION AND
SHORELINE ENVIRONMENT DESIGNATIONS

Sections:

- 26.10.000 **Shoreline jurisdiction and** environment designations **established**.
- 26.10.005 Environment designation – Official map.
- 26.10.010 Natural environment.
- 26.10.011 **Natural environment -** Purpose.
- 26.10.012 **Natural environment -** Designation criteria.
- 26.10.013 **Natural environment -** Management policies.
- 26.10.020 Recreation conservancy environment.
- 26.10.021 **Recreation conservancy environment -** Purpose.
- 26.10.022 **Recreation conservancy environment -** Designation criteria.
- 26.10.023 **Recreation conservancy environment -** Management policies.
- 26.10.030 Recreation environment.
- 26.10.031 **Recreation environment -** Purpose.
- 26.10.032 **Recreation environment -** Designation criteria.
- 26.10.033 **Recreation environment -** Management policies.
- 26.10.040 Rural environment.
- 26.10.041 **Rural environment -** Purpose.
- 26.10.042 **Rural environment -** Designation criteria.
- 26.10.043 **Rural environment -** Management policies.
- 26.10.050 Residential environment.
- 26.10.051 **Residential environment -** Purpose.
- 26.10.052 **Residential environment -** Designation criteria.
- 26.10.053 **Residential environment -** Management policies.
- 26.10.060 Waterfront ~~use~~ environment.
- 26.10.061 **Waterfront environment -** Purpose.
- 26.10.062 **Waterfront environment -** Designation criteria.
- 26.10.063 **Waterfront environment -** Management policies.
- 26.10.070 Industrial conservancy environment.
- 26.10.071 **Industrial conservancy environment-** Purpose.
- 26.10.072 **Industrial conservancy environment -** Designation criteria.
- 26.10.073 **Industrial conservancy environment -** Management policies.
- 26.10.090 Aquatic environment.
- 26.10.091 **Aquatic environment -** Purpose.
- 26.10.092 **Aquatic environment -** Designation criteria.
- 26.10.093 **Aquatic environment -** Management policies.

26.10.000 **Shoreline jurisdictions and** environment designations **established**.

A. The City of Richland's shoreline jurisdiction includes segments of streams or rivers within the city limits where the mean annual flow is more than twenty (20) cubic feet per second and shorelands adjacent to those water bodies. Shorelands means those lands extending landward for

200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams or rivers.

B. Shoreline areas are classified into specific shoreline environment designations based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through the city of Richland comprehensive plan. Lands Areas landward of the ordinary high water mark not designated are assigned a recreation conservancy environment designation.

26.10.005 Environment designation – Official map.

The shoreline environment designation and regulatory reaches map, and all amendments thereto adopted as a part of the ~~master~~ shoreline master program in RMC 26.01.030, shall be filed in the office of the administrator and may be viewed in the development services division. When uncertainty exists as to the exact location of an environment boundary line, the rules of construction in RMC 23.08.050 shall apply.

26.10.010 Natural environment.

26.10.011 Natural environment - Purpose.

The designation of natural environment on Richland's shorelines is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, the city will control the type and range of uses allowed and plan for restoration of degraded shorelines within this environment.

26.10.012 Natural environment - Designation criteria.

The natural environment designation in Richland is assigned to shoreline areas that are relatively ecologically intact due to a low level of human disturbance, or areas which have been disturbed in the past but either have been isolated from human activity in the near past or are subject to a restoration program designed to restore natural ecological processes and functions. These areas are relatively free of structural shoreline modifications, structures, and intensive human uses.

26.10.013 Natural environment - Management policies.

In applying the use ~~chart~~ table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. A use with associated levels of human activity that would degrade the ecological functions or natural character of the shoreline area shall not be allowed.

B. The following new uses are not allowed in the natural environment:

1. Commercial uses;
2. Industrial uses;

3. Residential uses;

4. Non-water-oriented recreation other than public access, or water-oriented recreation uses resulting in more than minor modification of shoreline vegetation and topography or in-stream structure; and

5. Roads, parking areas and utility corridors and utility facilities that can be feasibly located outside of “natural” designated shorelines.

C. Scientific, historical, cultural, educational, research uses, and very low intensity water-oriented recreational access uses may be allowed; provided, that no significant ecological impact on the area will result.

D. Any activity or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed.

26.10.020 Recreation conservancy environment.

26.10.021 Recreation conservancy environment - Purpose.

The recreation conservancy environment on Richland’s shorelines seeks to satisfy some of the needs of the community for low intensity recreation uses with minimal modification of the shoreline character. The intensity of recreational uses should be designed or mitigated to avoid alteration of existing vegetation as much as feasible and introduce low levels of human use.

26.10.022 Recreation conservancy environment - Designation criteria.

A recreation conservancy environment designation is assigned to public lands on the shoreline which have been modified by past human uses or activities but retain a range of ecological functions such that low intensity uses are most appropriate.

26.10.023 Recreation conservancy environment - Management policies.

In applying the use ~~chart~~ table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Management plans for these lands shall strike an appropriate balance between enjoyment of these areas and limiting potential adverse effects to aquatic areas, the land, associated vegetation, and wildlife. Some areas have the character of natural open space and shall receive a higher level of protection.

B. A use with associated levels of human activity that would degrade the ecological functions or natural character of the shoreline area should not be allowed.

C. The following new uses are not allowed in the recreation conservancy environment:

1. Commercial uses, except for low intensity activities which enhance public enjoyment of the land;

2. Industrial uses;

3. Residential uses;
4. Recreation uses requiring more than minor modification of shoreline vegetation and topography;
5. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a substantial visual intrusion to users of the area; and
6. Roads, parking areas and utility corridors and facilities that can be feasibly located outside of shorelines.

D. Scientific, historical, cultural, educational, research, and low intensity recreational access uses, including paved trails for regional trail systems or ADA access may be allowed; provided, that no significant ecological impact on the area will result. For the most part, soft surface trails should be employed.

E. All activities or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed.

F. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic qualities and minimize environmental impact.

26.10.030 Recreation environment.

26.10.031 Recreation environment - Purpose.

The recreation environment on Richland's shorelines is ~~designed~~ established to satisfy the needs of the community for higher intensity recreation uses including both water-oriented and non-water-oriented uses. This environment includes existing and planned parks where native vegetation has been replaced by introduced species for aesthetic enjoyment as well as for active areas such as informal lawn areas, picnic areas and sports fields. The local community makes extensive use of developed parks along the shoreline for a variety of recreation uses and strongly supports these areas. Water-oriented uses are preferred, but non-water-oriented uses are allowed as long as the location and configuration does not substantially interfere with enjoyment of the shoreline.

26.10.032 Recreation environment - Designation criteria.

A recreation environment designation is assigned to public and private lands on the shoreline which have been modified by past human uses or activities and are devoted primarily to the public enjoyment of the shoreline and a variety of recreational activities.

26.10.033 Recreation environment - Management policies.

In applying the use ~~chart~~ table in this program ([RMC 26.30.011](#)), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. A use with associated levels of human activity that would substantially degrade existing ecological functions of the shoreline area should not be allowed.

B. The intensity of uses within the shoreline should generally follow a gradation with lower intensity uses nearer the shoreline and higher intensity uses at a greater distance, except for uses such as boat launches that require a shoreline location.

C. The following new uses are not allowed in the recreation environment:

1. Industrial uses;
2. Commercial uses, except for franchises granted by the city which enhance public enjoyment of the shoreline and the overall recreational setting; and
3. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a substantial visual intrusion to users of the area.

D. A wide variety of recreation uses are appropriate with a preference for water-oriented uses and activities including beaches, in-water structures, boat launches and other facilities that enhance the public enjoyment of the shoreline, including active and passive uses such as boating, fishing, bird watching, and similar uses.

E. Non-water-oriented recreation uses such as lawn areas and picnic areas that are enhanced by the ability to enjoy the aesthetic qualities of the shoreline are the next priority.

F. Active recreation uses such as sports fields may be located within shoreline jurisdiction, provided they do not displace opportunities for water-oriented uses. In general, such uses shall be located more than 100 feet from the OHWM, unless specific site conditions justify a closer location.

G. Structures that serve recreation and community uses, including gymnasias and community centers, should be located outside shoreline jurisdiction unless specific site conditions justify a closer location.

H. Roads and parking areas should be located as far from the water as feasible, preferably outside of shoreline jurisdiction.

I. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic qualities and minimize environmental impact.

26.10.040 Rural environment.

26.10.041 Rural environment - Purpose.

The designation of rural environments on Richland's shorelines seeks to protect agricultural land and other historically rural areas from pressures of urban expansion, provide buffer areas between urban areas, protect ecological functions of the shoreline, and maintain open spaces and opportunities for recreational and other uses compatible with agricultural activities.

26.10.042 Rural environment - Designation criteria.

The rural environment designation is applied to shoreline areas inside urban growth areas that are designated by the comprehensive plan as agricultural or zoned agriculture, suburban agriculture, or floodplain.

26.10.043 Rural environment - Management policies.

In applying the use ~~chart~~ table in this program ([RMC 26.30.011](#)), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Uses in the rural environment are limited to those which sustain the shoreline area's physical and biological resources, and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

B. Commercial and industrial uses are not allowed, except as directly related to agricultural use or products, including sale of products grown on the premises.

C. Water-dependent and water-enjoyment recreation facilities are a preferred use, provided they do not deplete the resource over time. Boating facilities, angling, wildlife viewing trails, and swimming beaches are preferred uses.

D. Residential subdivisions, including short plats, shall maintain an overall maximum density of one dwelling unit for every five acres.

26.10.050 Residential environment.

26.10.051 Residential environment - Purpose.

The residential environment on Richland's shorelines is designed to accommodate residential development and appurtenant structures at a variety of housing types and population densities consistent with the city's comprehensive plan and zoning. Protection is provided against hazards, objectionable influences, traffic, building congestion, and lack of light, air, and privacy. Certain compatible public service installations are permitted in residential use districts. An additional purpose is to provide appropriate public access and recreational uses, particularly associated with multifamily residential development ~~use~~.

26.10.052 Residential environment - Designation criteria.

The residential environment designation is applied to shoreline areas inside urban growth areas that are designated by the comprehensive plan as predominantly single-family or multifamily residential development or are planned for residential development.

26.10.053 Residential environment - Management policies.

In applying the use ~~chart~~ table in this program ([RMC 26.30.011](#)), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, ~~sensitive~~ critical area protection, and water quality are provided in this program and in zoning regulations to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area,

the level of infrastructure and services available, and other comprehensive planning considerations.

B. Residential areas isolated from the shoreline by levees or by intervening land in public ownership will have limited impact on shoreline resources and are not subject to standards such as buffers if the use of the intervening land interrupts natural ecological functions.

26.10.060 Waterfront ~~use~~ environment.

26.10.061 Waterfront environment - Purpose.

The waterfront ~~use~~ environment is a special commercial and residential classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar commercial, apartment, and multifamily uses which are consistent with waterfront-oriented development. This environment encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities, and enhances and maintains existing ecological functions of the shoreline and provides for maximum public access and circulation.

26.10.062 Waterfront environment - Designation criteria.

The waterfront ~~use~~ environment designation is applied to shoreline areas ~~inside urban growth areas~~ that are designated by the comprehensive plan for waterfront use.

26.10.063 Waterfront environment - Management policies.

In applying the use ~~chart~~ table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Water-oriented uses shall be given highest priority for waterfront sites.

B. Mixed use, resort motel and hotel facilities, special commercial and similar uses are encouraged to maximize public access and provide for aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use, and, through location, design, and operation, ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline.

C. Physical public access should be provided by the shoreline trail system.

D. Visual access should be provided by the shoreline trail system and by open space that provides congregating areas for people to enjoy the aesthetic qualities of the shoreline, including seating areas and compatible commercial uses.

26.10.070 Industrial conservancy environment.

26.10.071 Industrial conservancy environment - Purpose.

The industrial conservancy environment is applied to the Port of Benton barging facilities in north Richland to provide for transfer of waterborne cargoes to land while maintaining the current generally undeveloped condition of the shoreline area outside of those areas needed for port facilities.

26.10.072 Industrial conservancy environment - Designation criteria.

The industrial conservancy environment designation is applied to the Port of Benton site on the Columbia River in north Richland.

26.10.073 Industrial conservancy environment - Management policies.

In applying the use ~~chart~~ table in this program ([RMC 26.30.011](#)), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

- A. Water-dependent uses shall be given highest priority, but should occupy only the area needed for the water-related elements of the use.
- B. Other industrial uses should be located outside of shoreline jurisdiction.
- C. The shoreline trail should be maintained and enhanced through the site with provisions for interruption of use only when the site is actively used for transfer of waterborne cargoes.
- D. The open space and ecological functions of the site, particularly the area between the shoreline trail and the water, should be maintained and enhanced.

26.10.090 Aquatic environment.

26.10.091 Aquatic environment - Purpose.

The purpose of the aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

26.10.092 Aquatic environment - Designation criteria.

The aquatic environment is defined as the area waterward of the ordinary high water mark of all streams, rivers, and other water bodies constituting shorelines of the state, together with their underlying lands and their water column; but does not include associated wetlands and other shorelands shoreward of the ordinary high water mark. This designation is not found on the shoreline environment map, but shall be assigned based on the description above.

26.10.093 Aquatic environment - Management policies.

- A. Water-dependent uses and a limited range of water-oriented uses are allowed in the aquatic environment as necessary to meet other objectives of this program, subject to allowed uses in adjacent upland shoreline environment designations and provision of shoreline ecological preservation and enhancement and public access.
- B. New over-water structures are allowed only to serve water-dependent uses, public access, or ecological restoration, and should be limited to the minimum necessary to support the structure's intended use. Multiple use of such structures may be required.
- C. Transportation, utility facilities, and essential public facilities may be allowed subject to demonstration that no alternative location is feasible.
- D. All uses should minimize interference with surface navigation, allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration,

prevent water quality degradation, avoid alteration of natural hydrographic conditions, and consider impacts to public views.

E. Ecological enhancement is an allowed and preferred use.

This space intentionally left blank.

Chapter 26.20 GENERAL REGULATIONS

Sections:

- 26.20.010 Shorelines of statewide significance.**
- 26.20.020 Ecological functions and, no net loss.**
- 26.20.030 ~~Sensitive~~ Critical areas.**
- 26.20.040 Shoreline vegetation conservation.**
- 26.20.050 Public access.**
- 26.20.060 Signs.**
- 26.20.070 Archaeological areas and historic sites.**
- 26.20.080 Water quality, stormwater, and nonpoint pollution.**
- 26.20.090 Boat and vessel facilities.**

26.20.010 Shorelines of statewide significance.

A. Applicability.

1. The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance. Within Richland's jurisdiction are shorelines of statewide significance. Shorelines ~~thus~~ so designated are important to the entire state of Washington. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

B. Decision Criteria. Every project located on a shoreline of statewide significance shall address the following criteria in order of preference in all permit reviews, in addition to other criteria provided by this program:

1. Recognize and protect the statewide interest over local interests by:
 - a. Recognizing and taking into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.
 - b. Recognizing the following statewide interest specific to the Columbia River:
 - i. Protect, preserve and restore natural resources and ecological functions, including, but not limited to, those associated with endangered species or state priority species, commercial and recreational fisheries, and tribal fishing rights;
 - ii. Promote recreational use and public access;
 - iii. Promote water-dependent port uses consistent with other goals of the program.
 - c. Recognizing the following statewide interest specific to the Yakima River:

- i. Preserve and restore ecological functions, particularly those associated with endangered species, commercial and recreational fisheries, and tribal fishing rights;
 - ii. Promote recreational use and public access.
- 2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of manmade intrusions on shorelines.
 - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment, and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.
 - c. Protect, preserve, and enhance diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.
- 3. Result in long-term over short-term benefit.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term potential for impairment of natural shoreline functions.
 - b. In general, preserve resources and values of shorelines of statewide significance for future generations, and restrict or prohibit development that would irretrievably damage shoreline resources. Actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Restoration should be required where natural resources of statewide importance are diminished over time by cumulative impacts.
 - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
- 4. Protect the resources and ecology of the shoreline.
 - a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values, and water quality.
 - b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including migratory routes and areas used for spawning, nesting, rearing, and habitat.
 - c. Restrict or prohibit public access onto areas with high ecological value which cannot be maintained in a natural condition under intensive human use.

d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.

e. Preserve environmentally ~~sensitive~~ critical wetlands for use as open space or buffers and encourage restoration of currently degraded areas.

5. Increase public access to publicly owned areas of the shoreline.

a. Retain and enhance public access to the shoreline, including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.

b. Give priority to developing a system of linear access consisting of paths and trails for pedestrians and nonmotorized vehicles along the shoreline areas, providing connections across current barriers such as highways and railroads, and connecting to upland parking that enhances access to the community as a whole.

c. Provide multi-purpose nonmotorized trail facilities also serving the mobility impaired wherever feasible.

6. Increase recreational opportunities for the public on the shoreline.

a. Plan for and encourage development of facilities for recreational use of the shoreline, including boat launches, while preserving or mitigating ecological functions.

b. Retain and enhance public open space and parks along the shoreline to maximize public enjoyment while preserving ecological functions.

26.20.020 Ecological functions; and no net loss.

A. Shoreline land uses and activities that may have adverse impacts on the environment should be minimized or mitigated during all phases of development (e.g., design, construction, management, and use) to ensure no net loss of ecological functions and processes. Permitted uses are designed and conducted to minimize, insofar as feasible, any resultant damage to the ecology and environment. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance. In recognition of the importance of shorelines in an arid environment to a wide range of bird species, ~~new construction and major renovation projects shall incorporate~~ the City will recommend the incorporation of bird-friendly building materials and design features in new construction and major renovation projects, including, but not limited to, those recommended by the American Bird Conservancy Guidelines for Bird-Friendly Design.

B. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.
6. Monitoring the adverse impact and taking appropriate corrective measures.

C. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the shoreline master program and the Shoreline Management Act of 1971, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

26.20.030 Sensitive Critical areas.

~~Sensitive Critical~~ areas within the shoreline jurisdiction shall be regulated in accordance with Chapter 26.60 RMC. ~~and include:~~

~~Article I. General Provisions;~~

~~Article II. Wetlands;~~

~~Article III. Fish and Wildlife Habitat Areas;~~

~~Article IV. Geologic Hazard Areas;~~

~~Article V. Critical Aquifer Recharge Areas Protection;~~

~~Article VI. Flood Hazard Areas;~~

~~Article VII. General Information.~~

26.20.040 Shoreline vegetation conservation.

In addition to the ~~sensitive areas~~ Critical Areas standards of Chapter 26.60 RMC, the following shall apply to development on the shoreline:

A. A vegetation management plan for city parks and recreation areas, including both developed and undeveloped lands, that protects ecological functions and results in no net loss of these functions through operations, maintenance, or restoration actions in these areas shall be developed and implemented in coordination with the U.S. Army Corps of Engineers. Include integrated vegetation management for control of invasive weeds, and replace existing invasive species with native or compatible species that perform ecological functions similar to native species. Native species are preferred in underdeveloped areas of the shoreline.

B. A vegetation management plan shall be required for all ~~sensitive-area~~ Critical Area buffers ~~areas~~ with degraded native vegetation within SMA jurisdiction and shall:

1. Maintain adequate cover of native vegetation including trees and understory. If a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community, enhancement plantings shall be installed.
2. Provide a dense screen of native trees at the perimeter of the buffer to provide and protect ecological functions and prevent viewing of adjacent development from within the buffer. If existing vegetation or topographic features are not sufficient for these purposes, planting shall be required. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.
3. Provide an integrated vegetation management plan for control of invasive weeds, and replace existing invasive species with native or compatible species.
4. Provide a monitoring and maintenance plan. This provision may be waived by the Shoreline Administrator (or other applicable approval authority) for single-family residential lots.

C. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the ecological functions. Mitigation shall take place on site to the maximum extent feasible. A guarantee, in the form of a bond or other security device, shall be required to assure successful establishment, including an appropriate monitoring period.

D. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule assuring completion prior to occupancy is approved.

E. Lawns and other nonnative vegetation maintained within shoreline jurisdiction shall minimize use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical treatments shall be applied in accordance with manufacturer's recommendations and associated local, state, and federal laws and regulations. Applications in solid time release form shall be

preferred over liquid or concentrate application. Best management practices (BMPs) shall be implemented in all chemical applications.

F. Aquatic weed management by prevention is the first priority. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

1. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened, or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.

2. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment shall be considered development for which a shoreline permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair, and therefore exempt from the requirement to obtain a shoreline permit.

3. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest.

26.20.050 Public access.

A. Public access on the Columbia River is currently provided by a nearly continuous riverfront trail system developed by the city on public and private lands. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline. Future development may be required to reconfigure the existing trail to provide enhanced public access and fit with specific development plans, including public and private open space.

B. Public access on the Yakima River should be guided by the adopted city and regional trail plans. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline while taking into consideration the range of ecological functions and sensitivities of different areas. Future development shall provide public access consistent with the trail plan, and may provide additional trails subsidiary to the main trail, where such opportunities are available to provide enhanced public access and fit with specific development plans, including public and private open space.

C. Physical public access is preferred to solely visual access. Where physical public access is determined not feasible, the applicant shall incorporate visual public access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a trail, park, or other area serving as a means of physical approach to public waters.

D. All developments requiring shoreline substantial development or [shoreline](#) special use permits, and all subdivision or development of more than four lots or residential units, shall provide public access to the shoreline unless criteria in subsections (D)(1) and (2) of this section are met:

1. The applicant demonstrates one or more of the following provisions apply:

- a. Unavoidable health or safety hazards to the public would accompany public access that cannot be avoided by application of alternative design features or other solutions;
- b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features;
- c. The cost of providing the access, easement, or an alternative amenity, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term cost of the proposed development;
- d. Unacceptable environmental harm will result from the public access that cannot be mitigated;
- e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; or
- f. Public access is provided by a public entity through implementation of a public access plan incorporated into its master plan, developed through a public participation process and incorporated into this program.

2. Based on documentation provided by the applicant, the city determines that all reasonable alternatives have been exhausted, including, but not limited to:

- a. Limiting the size or placement of public access facilities;
- b. Regulating access by such means as maintaining a gate and/or limiting hours of use;
- c. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and
- d. Providing for access at a site geographically separated from the proposal, including contribution to regional trail or public access plans.

E. The following activities generally are not required to provide public access, except as determined on a case-by-case basis as part of development review:

- 1. Single-family development of four or fewer units;
- 2. Dredging;
- 3. Landfill and excavation;

4. Mining;
5. Private docks serving four or fewer units;
6. Minor additions or changes to an existing use that do not change the configuration of the existing use or add substantial facilities; or
7. Ecological restoration or enhancement activities not associated with a development.

F. Specific provisions for public access shall be evaluated on a case-by-case basis to ensure that they are of the kind, quality and scope to provide a substantial public benefit with respect to the Shoreline Management Act's objectives, and do not create a disproportionate impact on landowners.

G. The amount and configuration of public access required shall depend on the proposed use(s), the range of ecological functions and sensitivities of different areas on a site, the shoreline environmental designation, and the following criteria:

1. Any development or use that creates increased demand for public access to the shoreline shall provide public access to mitigate this impact.
2. Any development or use that interferes with an existing public access shall provide public access to mitigate this impact.
3. Development within the waterfront environment is encouraged to provide public access in the form of a public plaza meeting the criteria in RMC 26.30.040(F)(2).
4. Uses and developments that utilize aquatic lands shall provide public access consistent with maintaining the use and public safety. Public access shall be provided generally equivalent to 10 to 20 percent of the public harbor land or aquatic land utilized. Where over-water access is found to be infeasible pursuant to subsection (D) of this section, upland on- and off-site facilities may be approved as an alternative. Single-family residential uses or uses that are developed with public funding or other public resources are exempt from this criterion.
5. New or expanded dikes and levees shall provide linear public access trails along the facility.
6. Public roads or other public facilities parallel to or crossing shorelines shall provide public access trails or sidewalks within the right-of-way. Additional right-of-way acquisition may be required to provide public access.
7. Public utilities within the shoreline, other than distribution facilities, shall provide public access consistent with maintaining the use and public safety.

H. Public access shall be consistent with the shoreline environmental designation and may consist of a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, dock or pier area, or other area serving as a

means of view and/or physical approach to public waters, and may include interpretive centers and displays. Public access improvements shall meet the following location and design criteria:

1. Public access shall be provided as close (horizontally and vertically) as feasible to the water's edge to provide the general public with opportunity to reach, touch, view, and enjoy the water's edge; provided, that public access does not adversely affect ~~sensitive~~ critical ecological features or lead to an unmitigated reduction in ecological functions.
2. If open space is provided along the shoreline in the form of ~~sensitive~~ critical area buffers, and public access can be provided in a manner that will not result in a loss of ecological function, a public pedestrian access walkway along and parallel to the waterfront of the property is the preferred design. The walkway shall be set back from ~~sensitive~~ critical features and may provide only limited and controlled access to the water's edge. Fencing may be provided to control damage to plants and other ecologically sensitive features and shall provide for wildlife movement. Soft surface trails of limited width should be specified, where appropriate, to reduce impacts to ecologically sensitive resources.
3. Public access shall be connected directly to the nearest public street; shall include provisions for physically impaired persons where feasible and where additional impact on ecological functions will not occur; and shall be located adjacent to and connect with other public areas, accesses, and connecting trails.
4. Where physical access to the water's edge is not present or appropriate, a public viewing area shall be provided in cases where views of the water or shoreline are available.
5. In natural open space zones, the need for trails for ADA access should be balanced with the extent of alteration of the natural environment required to accommodate such facilities.
6. Design shall minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces, or by screening or other separation techniques.
7. Design shall provide for the safety of users, including the control of offensive conduct through providing public visibility (not including removal of buffer vegetation), or provision of specific oversight. The administrator may authorize public access to be temporarily closed to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved as a permit revision.
8. Public amenities appropriate to the use of the public access space shall be provided. These amenities may include, but are not limited to, benches, picnic tables, public docks and sufficient public parking.
9. Public restrooms and facilities for animal waste may be required as part of public access amenities for developments by public entities or commercial developments that attract a substantial number of persons.

I. View Protection.

1. Shoreline development shall be designed to avoid blocking, reducing, or adversely interfering with the public's existing visual access to the water and shorelines.
2. Development and uses on public lands such as parks, open space, street ends, rights-of-way and utilities shall provide visual access corridors where views of water bodies are available from public roadways and public viewpoints to the extent feasible, consistent with facilities for water-dependent use or recreation use and maintenance of native vegetation within required buffers ~~for sensitive areas~~.

J. Public access shall be maintained over the life of the use or development. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

1. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity, or in accordance with provisions for guaranteeing installation through a performance assurance.
2. Public access provisions shall be recorded as an easement or a dedication to the public on the face of a plat or short plat. Said recording with the Benton County auditor's office shall occur at the time of building permit approval or plat recordation, whichever comes first.
3. Maintenance of the public access shall be the responsibility of the owner unless expressly accepted by a public or nonprofit agency.
4. The minimum width of public access easements shall be 15 feet, unless the city determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
5. Public access shall be available to the public 24 hours per day unless specific exceptions are granted through the shoreline substantial development permit process where safety hazards to users or adjacent uses are substantiated.
6. Public access signs bearing the standard state-approved logo or other approved design shall be installed and maintained by the applicant and owner. The sign(s) must indicate the public's right of access and hours of access, and shall be installed in conspicuous locations at public access sites. Signs may display restrictions of public access as approved by a specific condition of permit approval.

K. Public access afforded by shoreline street ends, public utilities and rights-of-way shall be preserved, maintained and enhanced pursuant to RCW 35.79.035 and 36.87.130.

26.20.060 Signs.

A. All signs shall be located and designed to be compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Signs shall minimize interference with vistas, viewpoints, and visual access to the shoreline.

B. All signs shall be permitted in accordance with the procedures of RMC Title 27 in addition to this ~~program~~ [SMP](#).

C. Freestanding commercial signs are prohibited between buildings and the shoreline, except for public information signs.

D. Except where no feasible location outside of SMA jurisdiction is available, signs placed in SMA jurisdiction should be limited to public information signs directly relating to a shoreline use or activity, water navigational signs, and legally required highway and railroad signs necessary for operation, safety and direction.

E. Over-water signs or signs on floats or pilings shall be allowed only when serving a related water-dependent use, and only when the primary users of the facility approach by water and would not be served by land-mounted signs.

F. Lighted signs shall be hooded, shaded, or aimed so that lighting will not result in glare when viewed from public access facilities or watercourses.

G. Conceptual sign plans and design guidelines shall be submitted for review and approval at the time of shoreline permit application, and shall be utilized in future review of sign permits for the property.

H. Signs shall not be permitted where their location or design obstructs or otherwise interferes with traffic movement, or where the location or orientation unnecessarily interferes with upland users.

26.20.070 Archaeological areas and historic sites.

Included on Richland's shorelines are areas known to be of significant archaeological and historic value. The Washington State Department of Archaeology and Historic Preservation is recognized as the authority on matters concerning areas recorded as important archaeological or historic sites. In addition, memoranda of understanding with tribes should apply in accordance with the terms of such agreement(s).

A. Prior to approval of any permit requests, city of Richland staff shall consult with the Washington State Department of Archaeology and Historic Preservation for the purpose of identifying potentially valuable archaeological data, and for recommendations concerning preservation or salvage of the data identified.

B. Developers and property owners shall, in the event of discovery of archaeological resources during excavation, immediately stop work and notify the city of Richland and the Washington State Department of Archaeology and Historic Preservation. Development may resume only after

approval by the Department of Archaeology and Historic Preservation (DAHP). The city or DAHP will notify tribes if the nature of the resource so warrants.

C. Where a professional archaeologist or historian recognized by the state of Washington has identified an area or site as having significant cultural value, or where such area is listed on a national, state, or local historic register, the city may require evaluation of the resource and application of appropriate mitigation measures as a condition of permit issuance.

D. Permits for development in shoreline areas documented to contain archaeological resources shall require inspection of the site prior to and during construction by a professional archaeologist in coordination with potentially affected Indian tribes.

26.20.080 Water quality, stormwater, and nonpoint pollution.

A. All development activities approved under this title shall be designed and maintained in a manner consistent with the city's stormwater management plan and adopted engineering design standards. All proposed stormwater control and stormwater discharges shall be in compliance with the latest Department of Ecology Stormwater [Management](#) Manual for Eastern Washington [adopted by the City](#).

B. Shoreline development shall be designed and maintained to minimize the need for chemical treatments, including application of fertilizers, pesticides and herbicides, in order to prevent contamination of surface and ground water resources.

C. All structures placed within water bodies or that may come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials treated with creosote are prohibited in the shoreline environment.

26.20.090 Boat and vessel facilities.

A. All boating uses, development, and facilities shall protect the rights of navigation, shall demonstrate that they result in no net loss of ecological functions, and may be required to provide on-site and off-site mitigation.

B. Shared moorage serving single-family uses consisting of docks and piers with more than four berths, commercial moorage available to the general public, and moorage related to clubs or other groups not associated with a particular residential development are regulated as marinas under RMC 26.30.060.

C. Joint-use/shared docks and piers with four or fewer berths or any number of mooring buoys are regulated under this section.

D. Boating facilities shall avoid:

1. Braided or meandering river channels where the channel is subject to change in alignment or on point bars or other accretion beaches;
2. Areas where shoreline modification is required for approach and other upland facilities;

3. Locations where they would adversely impact upland riparian or nearshore habitat for aquatic species;

4. Locations where they would adversely affect flood channel capacity or create a flood hazard; and

5. Locations where water depths for vessels are not adequate without dredging.

E. Boating facilities, except those accessory to single-family residences, shall provide public access in accordance with RMC 26.20.050, Public access, and shall be located and designed such that existing public access to public shorelines is not obstructed nor made hazardous.

F. All in- and over-water structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Wood treated with creosote, pentachlorophenol, or other similarly toxic materials is prohibited. Docks generally shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.

G. Vessels shall be restricted from extended mooring on waters of the state except when such mooring is allowed by state regulations, a lease or other permission is obtained from the state, and impacts to navigation and public access are mitigated.

H. Boat Launches.

1. Boat launches accessory to single-family and multifamily residential uses are prohibited.

2. Private boat launches shall be allowed only for water-dependent uses and marinas, and only when it is demonstrated that public boat launches will not feasibly serve the use. Rail and track systems shall be preferred over concrete ramps.

3. New public boat launches for general public use, or expansion of public boat launches by adding launch lanes, shall demonstrate that:

a. Water depths are adequate to avoid the need for dredging and eliminate or minimize potential loss of shoreline ecological functions or other shoreline resources from offshore or foreshore channel dredging.

b. Adjacent residential properties will not be adversely affected by adverse proximity impacts such as noise, light and glare, or scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

c. Exterior lighting will not adversely impact aquatic species.

d. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.

e. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, shall minimize traffic impacts on nearby streets, and shall include adequate parking for boat trailers. Parking on public streets may be allowed for peak periods if it is demonstrated that such parking will not adversely impact through traffic or residential uses.

I. New moorage to serve a single-family residence may be allowed only if:

1. An applicant demonstrates that existing facilities (boat launches and public and private marinas) are not reasonably available to meet demand.
2. The lot does not have access to shared moorage in an existing subdivision and there is no homeowners' association or other corporate entity capable of developing shared moorage.
3. In cases where a new dock or pier is approved, the city may require an agreement to share with nearby residences with water frontage and provide for expansion to serve such additional users.

J. A dock or pier serving a single-family residence shall meet the following standards:

1. Piers and Ramps.

a. To prevent damage to shallow-water habitat, piers and/or ramps shall extend at least 40 feet perpendicular from the ordinary high water mark (OHWM). In some instances and sites, it may not be practical to extend a ramp 40 feet from the OHWM (for instance, where this could conflict with navigation). The city may grant exceptions on a case-by-case basis based on documentation of specific limitations that exist, and in coordination with other permitting agencies.

b. Piers and ramps shall be no more than four feet in width.

2. The bottom of either the pier or landward edge of the ramp shall be elevated at least two feet above the plane of the OHWM.

a. Grating shall cover the entire surface area (100 percent) of the pier and/or ramp. The open area of grating shall be at least 50 percent, as rated by the manufacturer.

b. Skirting shall not be placed on piers, ramps, or floats. Protective bumper material will be allowed along the outside edge of the float as long as the material does not extend below the bottom edge of the float frame or impede light penetration.

c. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM, and shall be sized no larger than four feet wide by four feet long, unless otherwise approved by the city, NOAA Fisheries, the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife. The maximum anchor height shall be only what is necessary to elevate the bottom of either the pier or landward edge of the ramp at

least two feet above the plane of the OHWM. The intent of this criterion is to limit impacts to riparian vegetation along the shoreline. The city may grant exceptions from the 10-foot landward requirement on a case-by-case basis if site conditions warrant based on documentation of specific limitations that exist, and in coordination with other permitting agencies.

3. Preservatives.

- a. The dock shall be built with materials that do not leach preservatives or other materials.
- b. No treated wood of any kind shall be used on any over-water structure (float, pier, or ramp).
- c. No paint, stain, or preservative shall be applied to the over-water structure.

4. General.

- a. No electricity shall be provided to, or on, the over-water structure.
- b. No boat lifts or watercraft lifts (e.g., jet ski lifts) of any type will be placed on, or in addition to, the over-water structure. The city may grant exceptions on a case-by-case basis in coordination with other permitting agencies if the applicant can demonstrate that the proposed boat lift meets the intent of the criteria to minimize structure, maximize light penetration, and maximize depth. However, these structures must meet the size criteria of the plan (total 160 square feet).
- c. Shoreline armoring (i.e., bulkheads, rip-rap, and retaining walls) shall not occur in association with installation of the over-water structure.
- d. Construction of the over-water structure shall be completed during the in-water work window (November 1st to February 28th).

5. Piling and Float Anchors.

- a. Piling shall not exceed eight inches in diameter. The intent of this criterion is not to require existing pilings to be removed, cut, or capped, but to place limits on the size of new pilings. The city may grant exceptions on a case-by-case basis in coordination with other permitting agencies in areas where safety considerations merit larger pilings.
- b. Pilings shall be spaced at least 18 feet apart on the same side of any component of the over-water structure. The pier/ramp and float are separate components.
- c. Each over-water structure shall utilize no more than four piles total for the entire project. A combination of two piles and four helical anchors may be used in place of four piles.

d. All pilings shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.

e. Submerged float anchors will be constructed from concrete, and shall be horizontally compressed in form, by a factor of five or more, for a minimum profile above the stream bed (the horizontal length and width will be at least five times the vertical height). A helical screw anchor may be utilized where substrate allows. The owner shall be responsible for demonstrating feasibility and for proper installation such that anchor displacement does not occur.

f. No in-water fill material will be allowed, with the exception of pilings and float anchors. Uncured concrete or its by-products shall not be allowed.

6. Floats.

a. Float components shall not exceed the dimensions of eight by 20 feet, or an aggregate total of 160 square feet, for all float components.

b. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water (e.g., rectangular float tubs).

c. Grating shall cover 100 percent of the surface area of the float(s). The open area of the grating shall be no less than 50 percent, as rated by the manufacturer.

d. Functional grating will cover no less than 50 percent of the float.

e. Floats shall not be located in shallow-water habitat where they could ground or impede the passage or rearing of any salmonid life stage.

f. Nothing shall be placed on the over-water structure that will reduce natural light penetration through the structure.

g. Floats shall be positioned at least 40 feet horizontally from the OHWM and no more than 100 feet from the OHWM, as measured from the landward-most edge of the float. Adjustments to this requirement may be made on an individual basis where strict compliance with this standard may present safety issues or be excessive for site conditions.

h. Project construction shall cease under high flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.

K. Shared residential docks and piers shall generally meet the standards for single-family docks above, except that the number of floats and the size of piers and other facilities may be increased to serve additional slips to provide one moorage space per residence served.

L. Docks and piers shall be set back a minimum of 10 feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract

or covenant with the owners of the affected properties. This agreement shall be recorded with the Benton County auditor, and a copy filed with the shoreline permit application.

M. Moorage Related to Subdivision.

1. New subdivisions and short plats shall contain a restriction on the face of the plat prohibiting individual docks. A site for community or shared moorage shall be designated on the plat and owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to lots with water frontage in the subdivision. The over-water area of the dock shall be made available to other lots and the public for community access, and may be required to provide public access depending on the scale of the facility.

2. Approval of a shared moorage for a subdivision shall be subject to the following criteria:

- a. There is no reasonably available public or private moorage that can serve the moorage needs of the residences or the subdivision.
- b. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. One moorage space per lot may not be presumed.
- c. The size of a dock must consider the use of mooring buoys for some or all moorage needs, and the use of all or part of the dock to allow tender access to mooring buoys.
- d. Public access shall be provided in all shared docks utilizing public aquatic lands that accommodate five or more vessels.

3. If a community or shared dock is not developed at the time of subdivision, a community association shall be established with the authority to levy assessments within the subdivision to construct and maintain a community dock in the future. The failure of a subdivision to develop a community or shared dock shall not affect the prohibition on individual docks.

N. Multifamily residences, hotels, motels, and other commercial developments proposing to provide moorage facilities shall meet the criteria for a marina. Use of the moorage must be open to the general public on the same basis as residents or occupants and shall provide public access. If approved, no more than one joint-use moorage facility may be provided for a parcel or development.

O. Applications for docks or piers serving single commercial or industrial enterprises shall demonstrate that:

1. The facility serves a water-dependent use;
2. The facility is the minimum size required to serve the proposed use; provided, that provisions for expansion or future joint use may be provided; and
3. The facility minimizes impacts to the extent feasible. Where impacts are unavoidable, the facility mitigates impacts to navigation, aquatic habitat, upland habitat, public access to the

water for recreation, fishing and similar use, and public access to publicly accessible lands below the OHWM.

P. Commercial or industrial moorage facilities shall demonstrate that:

1. The dock or pier shall be the minimum length required to serve the use.
2. Access from the shore to piers or floats shall minimize water cover in order to minimize impacts to shallow-water habitat.
3. Piers and ramps shall be elevated to provide the maximum feasible light penetration.
4. Grating, or clear translucent material, shall be utilized to the maximum extent feasible to provide light penetration.
5. Floats shall be constructed and attached so that they do not ground out on the substrate.
6. Pile spacing shall be the maximum feasible to minimize shading and avoid a “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.
7. Pile diameter shall be minimized while meeting structural requirements.
8. Covered structures may be permitted only to serve a water-dependent use where it is demonstrated that adequate upland sites are not feasible, and it is demonstrated that the area covered is the minimum necessary to serve the use.

This space intentionally left blank.

Chapter 26.30 USE REGULATIONS

Sections:

26.30.010 Use and dimensional standards.

26.30.011 Use table.

26.30.012 Bulk and dimension ~~chart~~ [table](#).

26.30.013 Provisions for additional height in the waterfront environment.

26.30.020 Agriculture.

26.30.030 Aquaculture.

26.30.040 Commercial development.

26.30.050 Industrial development and port facilities.

26.30.060 Marinas.

26.30.070 Mining.

26.30.080 Recreation.

26.30.090 Residential development.

26.30.100 Transportation facilities.

26.30.110 Utilities.

26.30.010 Use and dimensional standards.

26.30.011 Use table.

The following use activity-shoreline environment compatibility ~~chart~~ [table](#) shall be consulted as a general guide to determine permitted uses in the various shoreline environments. Use activities permitted or requiring a [shoreline](#) special use permit must be developed in accordance with all policies and regulations of the shoreline [master](#) program.

A. All land uses allowed are subject to the preference for water-oriented uses and subject to specific criteria for uses included in these regulations.

B. Uses allowed in the aquatic environment are those allowed in the adjacent upland environment, limited to water-dependent use, ecological enhancement, and those transportation and utility facilities and essential public facilities for which no alternative location is feasible.

C. If a use is prohibited in the underlying zoning district, it is also prohibited in the shoreline.

D. KEY: X = Prohibited, P = Permitted, A = Permitted as an Accessory Use, SU = [Shoreline](#) Special Use Permit.

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Resource Uses							
Agricultural Use	X	X	X	P	X	X	X

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Raising Crops, Trees, Vineyards	X	X	X	P	X	X	X
Limited Raising or Keeping of Small and Large Livestock	X	X	X	P	X	X	X
Roadside Stands and On-Farm Markets for Marketing Fruit or Vegetables	X	X	X	P	X	X	X
Animal Feeding Operations/Concentrated Animal Feeding Operations (AFO/CAFOs)	X	X	X	SU	X	X	X
Mining	X	X	X	SU	X	X	X
Automotive, Marine and Heavy Equipment							
Automotive Repair Shops/Service Stations/Part Sales	X	X	X	X	X	X	X
Boat Building	X	X	X	X	X	X	X
Car Wash – Automatic or Self-Service	X	X	X	X	X	X	X
Large Equipment Sales/Rental/Repair/Service	X	X	X	X	X	X	X
Marinas	X	X	SU	X	X	SU	X
Marine Equipment Rentals	X	X	X	X	X	P	X
Marine Gas Sales	X	X	X	X	X	SU	X
Marine Repair	X	X	X	X	X	P	X
Outdoor Sales/Rentals	X	X	X	X	X	X	X
Warehousing, Wholesale Use	X	X	X	X	X	X	P
Business and Personal Services							
Animal Shelter	X	X	X	SU	X	X	X
Commercial Kennel	X	X	X	SU	X	X	X
Contractors' Offices	X	X	X	X	X	X	X
Funeral Establishments	X	X	X	SU	X	X	X
General Service and Personal Services Businesses	X	X	X	X	X	P	X
Health/Fitness Facility	X	X	X	X	X	A	X
Health Spa	X	X	X	X	X	P	X
Animal Hospital/Clinic	X	X	X	SU	X	X	X
Laundry/Dry Cleaning, Retail	X	X	X	X	X	P	X
Mini-Warehouse	X	X	X	X	X	X	X

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Photo Processing, Copying, Mailing and Printing Services	X	X	X	X	X	P	X
Video Rental Store	X	X	X	X	X	P	X
Cafeterias	X	X	A	X	X	A	X
Delicatessen	X	X	X	X	X	P	X
Drinking Establishments/Breweries/Wineries	X	X	X	X	X	P	X
Portable Food Vendors	X	X	X	X	X	A	X
Restaurants/Drive-Through	X	X	X	X	X	X	X
Restaurants	X	X	X	X	X	P	X
Industrial/Manufacturing Uses							
Port Facilities for Transferring Materials from Vessels to the Shore and Temporary Staging Prior to Transportation Off Site	X	X	X	X	X	X	P
Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits	X	X	X	SU	X	X	X
Manufacturing Uses	X	X	X	X	X	X	X
Research, Development and Testing Facilities	X	X	X	X	X	X	X
Wholesale Facilities and Operations	X	X	X	X	X	X	X
Wineries – Production	X	X	X	SU	X	X	X
Office Uses							
Office	X	X	X	X	X	P	X
Schools, Commercial	X	X	X	X	X	P	X
Travel Agencies	X	X	X	X	X	P	X
Public/Quasi-Public Uses							
Churches/Clubs or Cultural Institutions	X	X	X	SU	P	P	X
Public Park	SU	P	P	P	P	P	P
Golf Course	X	X	SU	SU	P	P	X
General Park O&M Facility	X	X	SU	SU	P	X	X
Hospitals	X	X	X	X	SU	X	X
Passive Open Space Use	P	P	P	P	P	P	P

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Power Transmission and Irrigation Wasteway Easements and Utility Uses	SU	SU	SU	P	P	P	P
Electrical Substations	X	X	X	X	X	X	X
Public Agency Buildings or Facilities	X	X	X	P	P	P	X
Public Campgrounds	X	X	P	SU	P	P	X
Schools	X	X	X	P	P	P	X
Schools, Alternative	X	X	X	P	P	X	X
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	X	X	P	P	P	P	X
Trail Head Facilities for Equestrian, Pedestrian, or Nonmotorized Vehicle	X	P	P	P	P	P	P
Trails for Pedestrian Use Only	P	P	P	P	P	P	P
Trails for Equestrian or Nonmotorized Vehicle Use	SU	P	P	P	P	P	P
Recreational Uses							
Art Galleries or Arcades	X	X	X	X	X	P	X
Boat Mooring Facilities	X	X P	X P	X P	X P	P	X SU
Cinema, Indoor	X	X	X	X	X	P	X
Commercial Recreation, Indoor	X	X	X	X	X	P	X
Commercial Recreation, Outdoor	X	X	X	SU	X	P	X
House Banked Card Rooms	X	X	X	X	X	P	X
Recreational Vehicle Campgrounds	X	X	X	SU	X	X	X
Recreational Vehicle Parks	X	X	X	X	X	X	X
Stable, Public	X	X	X	X	X	X	X
Theater	X	X	X	X	X	P	X
Residential Uses							
Accessory Dwelling Unit	X	X	X	A	A	A	X
Apartment, Condominium (3 or more units)	X	X	X	X	X	P	X
Assisted Living Facility	X	X	X	X	P	P	X
Bed and Breakfast	X	X	X	SU	SU	P	X
Day Care Center	X	X	X	SU	SU	P	X

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Dormitories, Fraternities, and Sororities	X	X	X	X	P	P	X
Dwelling, One-Family	X	X	X	P	P	X	X
Dwelling, Two-Family Detached	X	X	X	X	X	P	X
Dwelling Units for a Resident Watchman or Custodian	X	X	X	A	A	A	X
Emergency Housing	X	X	X	P	P	X	X
Emergency Shelters	X	X	X	P	P	X	X
Houseboats	X	X	X	X	X	X	X
Hotels or Motels	X	X	X	X	X	P	X
Nursing or Rest Home	X	X	X	X	X	P	X
Permanent Supportive Housing	X	X	X	X	X	P	X
Temporary Residence	X	X	X	P	P	P	X
Transitional Housing	X	X	X	X	X	P	X
Retail Uses							
Adult Use Establishments	X	X	X	X	X	X	X
Apparel, Book, Drug, Florist or Other Specialty Retail	X	X	X	X	X	P	X
Building, Hardware, Garden Supply, Nursery, Feed Stores or Outdoor Sales	X	X	X	X	X	X	X
Food Stores	X	X	X	X	X	P	X
Miscellaneous Uses							
Bus Station, Transfer Station or Terminal	X	X	X	X	X	X	X
Community Festivals and Street Fairs	X	X	P	P	P	P	X
Convention Center	X	X	X	X	X	P	X
Macro-Antennas	SU	SU	SU	SU	P	P	SU
Storage in an Enclosed Building	X	X	X	X	A	A	X
Transportation							
Roads and Railroads Serving Shoreline Uses	X	SU	SU	SU	SU	SU	SU
Roads and Railroads Not Serving Shoreline Uses	X	SU	SU	SU	SU	SU	SU
Parking Areas Serving Primary Use within the Shoreline	X	P	P	P	P	P	P

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Parking Areas Not Serving Primary Use within the Shoreline	X	X	X	X	X	X	X
Parking as a Principal Use	X	X	X	X	X	X	X
Utilities							
Public and Private Utility Distribution Serving Shoreline Uses, Water, Sewer, Electrical, Gas, and Communication	X	P	P	P	P	P	P
Public and Private Utility Distribution Serving Uses within the City	X	P	P	P	P	P	P
Utility Facilities Serving Uses Not within the City	SU	SU	SU	SU	SU	SU	SU
Electrical Transmission of Greater Than 50 Kilovolts	SU	SU	SU	SU	SU	SU	SU
Electric Transmission/Distribution Substations	X	X	X	X	X	X	X
Utility Buildings Including Pump Stations	X	SU	SU	SU	SU	SU	SU
Communication Antennas	X	SU	SU	SU	SU	SU	SU
Monopole	X	SU	SU	SU	SU	X	SU
Other							
Structures for Flood Management, Including Drainage or Storage and Pumping Facilities	X	SU	SU	SU	SU	SU	SU
Fish and Wildlife Resource Enhancement	P	P	P	P	P	P	P
Essential Public Facilities	SU	SU	SU	SU	SU	SU	SU
USES NOT SPECIFIED	SU	SU	SU	SU	SU	SU	SU

26.30.012 Bulk and dimension ~~chart~~ table.

Standard	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Sensitive <u>Critical</u> Area Buffer Water-Dependent Use	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹
Sensitive <u>Critical</u> Area Buffer Non-Water-Dependent Use	As provided by Table 26.60.024(D), Wetland Buffer Widths, Table 26.60.042, Riparian Buffer Width <u>Subject to applicable requirements in Chapter 26.60.</u>						
Minimum Building Setback from OHWM	NA ²	NA ^{1,2}	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹

Standard	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Water-Dependent Use							
Minimum Building Setback Non-Water-Dependent Use	NA ²	15 feet (except for residential, which is 25 feet) from the edge of the applicable riparian buffer <u>any buffers required by Chapter 26.60</u> , or 15 feet (except for residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail or parking area., as applicable, as provided in Table 26.60.042²					
Minimum Front Yard Setback	As provided by zoning						
Minimum Side Yard Setback	As provided by zoning						
Minimum Rear Yard Setback	As provided by zoning						
Minimum Lot Width – One-Family Attached Dwellings	As provided by zoning						
Minimum Lot Area	As provided by zoning						
Maximum Density – Multifamily Dwellings (units/square feet)	NA	NA	NA	NA	NA	1:1,500	NA
Maximum Lot Coverage	0%	5%	10%	10%	40%	NA	20%
Maximum Building Height	NA ²	16 feet	35 feet	25 feet	35 feet	35/55 feet ³	35 feet
Maximum Building Height – Detached Accessory Buildings	NA ²	16 feet	16 feet	16 feet	16 feet	35 feet	35 feet

1. No ~~sensitive critical~~ area buffer or building setback applies to water-dependent elements of a water-dependent use.
2. Buildings are not allowed in locations designated with the natural ~~open-space zoning district~~ environment shoreline environment designation.
3. Building height may be increased to up to 55 feet in the waterfront environment subject to the provisions of RMC 26.30.013.

26.30.013 Provisions for additional height in the waterfront environment.

Structures in the waterfront environment may exceed a height of 35 feet based upon a review of the site plan and structure and compliance with the following criteria:

A. Additional open space or a plaza is provided on the site that earns bonus floor area in accordance with RMC 26.30.040(F)(2).

B. The hearing examiner finds that:

1. The increased building height will not obstruct the view of a substantial number of residences on areas adjoining such shorelines;
2. Overriding considerations of the public interest will be served by providing additional public open space and facilities that enhance public enjoyment of the shoreline;
3. The proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity; and
4. The building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.

26.30.020 Agriculture.

A. This program shall not restrict lawfully existing agriculture activities that have been discontinued for less than five years. An agricultural use shall not be considered discontinued if it is allowed to lie fallow in which it is plowed and tilled but left unseeded; allowed to lie dormant as a result of adverse agricultural market conditions; or allowed to lie dormant because the land is enrolled in a local, state, or federal conservation program.

B. All new agricultural activities and facilities on land not meeting the definition of agricultural land are governed by this program and shall observe the ~~sensitive~~ critical area standards and buffer requirements of this program and the criteria in this section.

C. Agricultural activities shall follow recognized best management practices (BMPs) that improve or maintain water quality and quantity, reduce soil erosion, maintain or improve soil conditions, and provide for wildlife habitat. These BMPs include applicable best management practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service's Field Office Technical Guide.

The applicant is encouraged to coordinate with the Benton County conservation district and the natural resources conservation service in the development of best management practices for their agricultural activity.

D. New intensive agricultural activities such as animal feeding operations/concentrated animal feeding operations (AFO/CAFOs) and row cropping requiring intensive application of fertilizers, animal waste, herbicides and pesticides shall be located outside of shoreline jurisdiction, unless the proposed use is within an established agricultural area and no alternative agricultural activity is feasible. New intensive agricultural activities shall be implemented in accordance with a farm conservation plan including a monitoring program that assures no net loss of ecological functions.

E. New facilities for liquid manure storage shall be located outside of shoreline jurisdiction unless no alternative location is feasible and a shoreline special use permit is obtained. New liquid manure storage facilities shall be implemented in accordance with a farm conservation plan including a monitoring program that assures no net loss of ecological functions.

F. New manure spreading operations shall be carried out so that animal wastes do not enter water bodies, wetlands, or ground water recharge areas.

G. The construction of a barn or similar agricultural structure is exempt from obtaining a [shoreline](#) substantial development permit, but [nonetheless](#) must comply with the regulations of this program.

26.30.030 Aquaculture.

Aquaculture is the culture of farming of foodfish, shellfish, or other aquatic plants and animals. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, and oxygen content. Policies and regulations for aquaculture, therefore, recognize the necessity for some latitude in the development of this emerging economic water use, as well as its potential impact on existing uses and natural systems.

A. Aquaculture is a preferred water-dependent use, but may be permitted only if impacts to ecological resources and existing land uses can be mitigated. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, or establish new nonnative species which cause significant ecological impacts.

B. Aquaculture activities shall be located so as to not unduly restrict navigation.

C. Aquaculture structures shall be placed in such a manner as to minimize interference with, or danger to, surface navigation, and so as not to impair the aesthetic quality of the shorelines.

D. Aquaculture development shall make reasonable provisions to control nuisance factors such as excessive noise or odor.

E. Aquaculture wastes shall be disposed of in a manner that will prevent degradation of associated upland, wetland, shoreline, or water environments.

F. Aquaculture activities shall make all feasible provisions to maintain the general aesthetic quality of the shoreline.

26.30.040 Commercial development.

Shoreline commercial uses, including offices, restaurants, general retail sales, hotels, motels and convention centers, are recognized as being most suitable in the waterfront environment already developed at urban intensities. Policies and regulations for these uses encourage developments having a functional dependency on shoreline location and water orientation, and which afford maximum public access, use, and circulation along the waterfront.

A. Commercial development in shoreline areas shall be designed, located, and constructed to achieve no net loss of ecological functions.

B. Preference shall be given to water-dependent commercial uses over non-water-dependent commercial uses. Water-related uses shall be given priority over non-water-related uses.

C. Commercial development that is not water-dependent shall not be allowed over water except where it is located within the same building and is accessory to and necessary for a water-dependent use.

D. Non-water-oriented commercial development shall be allowed only when:

1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to provision of public access and/or ecological restoration; or
2. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access and/or ecological restoration.

E. In areas of the shoreline designated for commercial use, non-water-oriented commercial uses may be allowed on sites physically separated from the shoreline by another property in separate ownership or public road right-of-way.

F. Uses within the waterfront environment shall be designed to provide multiple uses that enhance cultural and related commercial facilities to enhance and diversify the public's experience of the shoreline, including tourists, by providing water-oriented and enjoyment uses and community recreational resources and providing public access and view corridors. Uses in this area must meet the following additional criteria:

1. Development is subject to Chapter 23.48 RMC, Site Plan Review, as adopted or subsequently amended.
2. Public open space for public access and to accommodate water-enjoyment uses and other uses allowing public visual access to the waterfront, such as restaurants, is a preferred use and may earn bonus floor area in buildings between 35 and 55 feet in height, subject to the following criteria:
 - a. Public open space in excess of 15 percent of the area of shoreline jurisdiction on a site may earn one square foot of building floor area for each square foot of open space, up to 20,000 square feet, provided the following criteria are met:
 - i. The open space area must abut the Riverside Trail on at least half its total width;
 - ii. The open space must be at the elevation of the Trail;
 - iii. The open space may extend no further than 50 feet from the edge of the Trail;
 - iv. The open space must be accessible to the public at all times;
 - v. The open space must consist of grass turf or other surface that will accommodate pedestrian foot traffic;

- vi. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space; and
 - vii. Planting areas for ornamental vegetation not allowing foot traffic are excluded from the area qualifying for bonus floor area.
- b. Public open space plazas may earn additional bonus floor area, of four square feet of building floor area for each square foot of open space, up to 10,000 square feet, in addition to any area earned by subsection (F)(2)(a) of this section, if the facility meets the following criteria:
- i. The open space area must abut the Waterfront Trail on at least 20 percent of its total perimeter;
 - ii. The open space must be at the elevation of the Trail;
 - iii. The open space may extend no further than 75 feet from the edge of the Trail;
 - iv. The open space must be accessible to the public at all times;
 - v. The open space must consist of a hard surface of concrete, brick, pavers, or similar materials. Permeable surfaces are encouraged to the extent feasible;
 - vi. Shade shall be required by trees planted in grates at grade level allowing pedestrian passage over grates at a minimum ratio of one tree per 1,600 square feet of plaza area;
 - vii. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space;
 - viii. The open space must be abutted by building frontage at the same elevation as the plaza, and with ground floor clear vision glass and door access at a spacing of no less than 50 feet on at least 50 percent of its total perimeter;
 - ix. At least 50 percent of the building perimeter must be retail or restaurant use; and
 - x. Planting areas for ornamental vegetation at the perimeter of the plaza in areas without clear glass building frontage may be allowed on up to 10 percent of the plaza area if the beds of such landscaping are within 18 inches of the plaza elevation.
 - xi. Additional bonus area of two square feet of building floor area for each square foot of open space, up to 2,000 square feet in addition to any area earned by the provisions above, may be earned by dedication of an area of outside seating at a restaurant, coffee shop, or similar use. Up to 50 percent of the qualifying bonus area may be devoted to sale of liquor.
- c. The administrator may allow interim use of retail or restaurant building frontage for office or other compatible use if the building owner documents a good faith effort to

procure retail or restaurant tenants. Such interim use may be approved for a period of up to three years, and may be renewed upon demonstration of meeting the same criteria.

3. Public view corridors that provide the public with an unobstructed view of the water from adjacent public streets to the Columbia River shall be provided in the waterfront environment subject to the following criteria:

- a. View corridors shall extend from the public street providing access to the site and shall extend to the water's edge.
- b. Preferred locations for view corridors are along property lines.
- c. Width of view corridors shall be determined based on the potential for providing views in new development and redevelopment, and shall be based on topography, parcel size, and effects on development potential.
- d. Development and uses within view corridors shall be limited to prevent obstruction of the corridor.
- e. Establishment of a view corridor shall not allow for clearing or removal of ~~shoreline buffer~~ vegetation required in buffers as provided in critical area regulations.
- f. View corridors shall be recorded as an easement in accordance with the provisions of RMC 26.20.050, Public access.

26.30.050 Industrial development and port facilities.

Policies and regulations for ports and water-associated industrial development are intended to accommodate the particular dependence of those uses on shoreline siting, and to ensure that development occurs in a manner that maximizes compatibility with the water and shoreline resources.

A. The area of industrial use designated in this program which is accessible to navigable water is the Port of Benton site in north Richland. This program provides for continued operation of barging facilities, and may permit additional water-dependent use directly related to transfer of materials from waterborne conveyance to the land. The portions of the site not used for said water-dependent use shall preserve the generally undeveloped nature of adjacent shoreline areas. Public access shall be provided through the shoreline portion of the site for use when it does not interfere with barge loading or unloading. An alternative route to the west shall be provided for conducting nonmotorized traffic around the site when water-dependent use interrupts transit on the Trail.

B. Industrial and port development shall be located, designed, constructed, and operated in a manner that minimizes impacts to shoreline resources and avoids unnecessary interference with shoreline use by adjacent property owners.

C. Cooperative use of existing port facilities, including docks and piers, shall be encouraged to reduce additional disruption to the shoreline.

26.30.060 Marinas.

Marinas are recognized as a use dependent on waterfront location and generally requiring shoreline modification for construction and operation. Marina activities may include facilities for boat launching, moorage, storage, and servicing as well as boat and accessories sales and display and restaurant facilities.

A. These provisions apply to all vessel moorage facilities serving five or more vessels.

B. Proposals for new marinas must provide sufficient evidence that existing public boat launches, dry storage and existing and permitted moorage are not adequate to meet regional demand for recreational boating and that development of new marinas would result in fewer environmental impacts than expansion of existing facilities.

C. In order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of water surfaces, boat facilities, in order of preference, are as follows:

1. Mooring buoys with a small lighter dock to provide access to the buoy.
2. In-water mooring docks. These may be approved only where it is demonstrated that more preferred options are not feasible, and/or it can be demonstrated that in-water mooring docks would result in fewer impacts to shoreline ecological functions and/or enhance public use of the shoreline.

D. Applications for marinas with in-water moorage may be approved by [a shoreline](#) special use permit if it is demonstrated that:

1. Public navigation will not be impeded.
2. The location will not result in displacement of wetlands or interrupt natural processes, erosion or deposition.
3. Water depths will be adequate without initial or maintenance dredging.
4. The location will not require shoreline armoring to compensate for fluvial processes.
5. The location will not reduce existing public use of the water or shoreline, including fishing, swimming, and boating.
6. Adverse water quality impacts will not result from inadequate flushing of moorage or enclosed water areas.
7. Impacts to riparian buffers and nearshore aquatic habitat will be minimized. Impact minimization may require provision of ~~upland buffers~~ [buffers established upland](#), with limited corridors for movement between upland and in-water facilities.

8. Setbacks from adjacent noncommercial properties will be adequate to attenuate proximity impacts such as noise and light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

9. Facilities including piers, floats, boat launches and other elements will be located and designed to minimize changes in hydraulic and fluvial processes, minimize potential flood hazards, and to not limit channel migration in areas where such processes are not currently constrained.

10. Exterior lighting will avoid illuminating nearby properties used for noncommercial purposes and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, and screening.

11. Exterior lighting will not adversely impact aquatic species.

12. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.

13. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, and shall minimize traffic impacts on nearby streets.

14. On-site parking supply shall be adequate to meet peak demands. Location of parking shall be in accordance with parking standards in this program.

E. Covered moorage is prohibited.

F. Marinas shall provide public access amenities over public aquatic lands equivalent to a minimum 10 percent of over-water coverage, shall provide public walkway access to a public street, and may be required to provide public parking, including ADA access.

G. If a marina includes gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan, shall be required of new marinas and expansion or substantial alteration of existing marinas. Handling of fuels, chemicals, or other toxic materials must be in compliance with all applicable federal and state water quality laws as well as health, safety, and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

H. Live-aboard vessels may occupy up to 10 percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Accommodation of additional live-aboard vessels may be approved only by [a shoreline](#) special use permit with demonstration that accommodation of live-aboard vessels will not displace moorage otherwise available for recreational use or lead to a demand for additional moorage facilities.

26.30.070 Mining.

Surface mining is the removal of rock, sand, gravel, and/or minerals from shoreline areas for economic purposes. Excavations are permitted in accordance with the Washington State Surface Mining Act and with RMC 23.42.070.

A. The location, design, and development of any mining operation shall include:

1. Demonstration that mining is dependent on a shoreline location based on evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors.
2. Assurance of no net loss of ecological functions and processes. Application of this standard shall include avoidance and mitigation of adverse impacts during operation and evaluation of the reclamation plan required for the site.
3. Allowance of mining on shorelines shall require a finding that the benefits from mining, including the long-term use of the site, outweigh adverse impacts on other users or resources taken together.
4. Avoidance of interference with public recreation on the shoreline.
5. Location and operation to provide long-term protection of water quality, fish and wildlife, and their habitats.

B. A reclamation plan shall be submitted with each application [per RMC 23.42.070\(E\)](#), and shall provide for reclamation of the site compatible with existing and proposed land use as indicated in [RMC 23.42.070\(E\)](#) the Richland comprehensive plan and with the shoreline environment designation. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species and/or public access and recreation.

C. Regulations applicable to the shoreline environment in which the proposed development is located shall be complied with.

26.30.080 Recreation.

Recreation is ~~the refreshment of strength and spirits through activities involving physical participation or passive relaxation~~ [an activity done for enjoyment when one is not working](#). Water-related recreation accounts for a significant percentage of all recreational activities in the city of Richland and the state of Washington. Recreational activities intended for public use shall be encouraged at intensities appropriate for the various environments. Priority will be given to those recreational uses which provide appropriate public access to the shoreline.

A. Only those ~~public and private~~ recreational uses that allow general public use shall be permitted on public shorelines of Richland. Recreational development shall be designed to locate non-water-oriented uses upland of water-oriented uses whenever possible.

B. A variety of recreation opportunities and associated facilities are encouraged on the shoreline. Passive uses are most appropriate in areas with more intact natural conditions, including facilities for interpretation of natural features and habitat, bird watching and similar uses. Water-dependent and water-enjoyment recreation facilities are a preferred use, including boating facilities, water sports, angling, and swimming beaches for areas with less intact ecological functions.

C. Access, circulation, and parking for recreational developments shall comply with the following regulations:

1. Vehicular access points shall be limited to the minimum number necessary for the proposed recreational facility, and shall be configured to minimize disturbance of ~~sensitive~~ critical natural resources. Nonmotorized access points shall be provided where feasible.
2. Access to the water's edge from parking areas shall be limited to pedestrian movement, except that marinas and boat launching facilities may be provided with access drives or roads.
3. Circulation within recreational areas shall, as appropriate, include provisions for ~~all~~ various modes of transportation. Roadways for motorized vehicles shall be designed and located to take advantage of scenic views, vistas, and points of interest ~~in nonsensitive non-critical areas~~ outside of critical areas, and shall be designed and constructed with consideration of, and sensitivity for, natural features and amenities of the shorelines.
4. Access and circulation shall conform to provisions for road and railroad design and construction as set forth in RMC 26.30.100.
5. Parking areas shall be located on the ~~inland~~ landward side of all buildings, structures, and recreational uses, and shall be developed in accordance with applicable city of Richland parking and landscaping standards.

D. Development plans shall include provisions for the protection and preservation of ecological functions, natural resources, and scenic views and vistas of the shoreline.

E. Recreational facilities shall be designed, constructed, and operated in a manner consistent with the intent of the shoreline environment in which they are located, and which does not result in a net loss of shoreline ecological functions.

F. Applications for recreational uses that require the use of fertilizers, pesticides, or other chemical treatments shall include plans demonstrating best management practices to be used to minimize the potential for contamination of surface water and ground water resources. Nonchemical methods of vegetation management shall be preferred wherever feasible.

G. New over-water structures for recreation use shall be allowed only when:

1. They accommodate water-dependent recreation uses or facilities; or

2. They allow opportunities for substantial numbers of people to enjoy the shorelines of the state; and
3. They are not located in or adjacent to areas of ecological sensitivity, especially aquatic and wildlife ~~habitat areas~~ [habitat conservation areas](#); and
4. No net loss of ecological functions will be achieved.

H. Private recreation uses and facilities that utilize public aquatic lands shall provide public access as provided in RMC 26.20.050, or shall provide improved, compensating public access at other locations.

I. Motorized vehicular use outside of designated roadways and driveways, including the use of all-terrain and off-road vehicles, in the shoreline area is prohibited, except for boat launching and maintenance activities, and except where specific areas for such use are set aside and controlled by a public entity.

J. In natural open space areas, the need for trails for ADA access should be balanced with the extent of alteration of the natural environment required to accommodate such facilities.

K. Recreational developments shall comply with all local and state health regulations.

26.30.090 Residential development.

Policies and regulations for residential development are intended to promote use of the shoreline that acknowledges existing residential patterns and allows residential utilization of shoreline areas without resulting in a net loss of ecological function.

A. Single-family residential development is a priority use on the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

B. Residential development in the shoreline shall meet the criteria of no net loss of ecological functions in RMC 26.20.020 and the preferred sequence for mitigation of impacts [shall be used](#). The use shall be located and designed to maintain required buffers, and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general.

C. New residential development shall cluster dwelling units to provide as little alteration to the natural environment as feasible, and shall utilize low impact development (LID) techniques to reduce physical and visual impacts on shorelines.

D. Multifamily residential use is not a priority for location on the shoreline under the Shoreline Management Act and is subject to the preference for water-dependent and water-oriented use. It therefore must meet requirements for providing public benefit through ecological restoration and public access. Multifamily development may not be approved if it displaces existing water-dependent uses. Multifamily development uses may be permitted only where it provides significant public benefit with respect to the objectives of the Act by:

1. Restoration of ecological functions, both in aquatic and upland environments, that shall provide native vegetation ~~buffers~~ according to the standards provided for ~~sensitive critical~~ areas or in accordance with the ~~restoration element of this program~~ City of Richland Shoreline Restoration and Protection Plan; and

2. Provision of public access is required in accordance with RMC 26.20.050.

E. Over-water residences are prohibited.

F. New residential development shall assure that the development will not require shoreline stabilization. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, and riparian erosion areas shall be sufficient to protect structures during the life of the lots, and impacts to adjacent, downslope, or down-current properties are not likely to occur during the life of lots created.

G. New residential development shall meet all ~~sensitive critical~~ area provisions of this program. Filling of, or into, water bodies or their associated wetlands for the purpose of subdivision or multifamily construction shall not be permitted. New subdivisions, short plats, and large lots shall preserve the required buffer in a protective tract, public or private land trust dedication, or be similarly preserved through an appropriate permanent protective mechanism. Each lot owner within the subdivision, short plat, or other land division shall have an undivided interest in the tract(s) or protective mechanism created.

H. Residential developments, including subdivisions, and planned unit developments of five or more lots/units shall provide improved public access for all residents of the development and the general public, in compliance with public access standards contained in RMC 26.20.050.

I. All new divisions of land shall record a prohibition on new private individual docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of this program.

J. All development shall be in compliance with all codes and ordinances of the city of Richland, including applicable subdivision, ~~sensitive critical~~ area and zoning regulations.

26.30.100 Transportation facilities.

A. Roads and Bridges.

1. Development of new roads or substantially expanded existing roads shall demonstrate the need for a shoreline location and that no feasible upland alternative outside the shoreline is available.

2. Roads shall cross shoreline areas by the shortest, most direct route feasible to minimize impacts, unless such route would cause significant adverse impacts based on specific local features.

3. The project configuration, design, and related features will minimize alteration of ~~sensitive critical~~ area buffers, avoid impacts on bird and wildlife movement as much as is feasible, fit the existing topography as much as feasible, and minimize alterations to the natural or existing vegetation.
4. New transportation facilities shall be located and designed to avoid the need for shoreline stabilization where feasible. Where demonstrated to be necessary to protect an existing facility that is in imminent danger of loss or substantial damage, new or expanded structural shore stabilization shall provide mitigation of impacts resulting in no net loss of shoreline ecological functions. In cases where substantial shore stabilization is required, relocation of roads further from the shoreline may be required.
5. New or expanded roads will provide public access in accordance with RMC 26.20.050 and, where they afford scenic vistas, pedestrian viewpoints will be provided.
6. Wetlands shall be avoided whenever feasible. If avoidance is not feasible, bridges shall be utilized when crossing wetlands to avoid obstructing movement of surface and ground water unless it can be demonstrated that fill and compensatory mitigation will produce equal or greater ecological functions.
7. Road crossings of streams shall utilize bridges rather than culverts to the maximum extent feasible.
8. Private access roads or driveways providing ingress and egress for individual single-family residences or lots shall be limited to the minimum allowed by the fire code.
9. Bridges shall be designed and built of sufficient lateral and vertical clearance to allow the unimpeded passage of flood flows and debris. In wide streamways, bridges shall employ the maximum length of clear spans feasible with pier supports that produce the minimum deflection feasible. Bridge approaches in floodways of any stream shall be constructed on open piling or other measures to allow free water movement.
10. Landscape planting is required along all shoreline roads, parking, and turnout facilities to:
 - a. Provide buffers between pedestrian and auto users;
 - b. Enhance the shoreline driving experience; and
 - c. Enhance and complement potential views of shoreline areas.
11. The city shall not vacate any public right-of-way in a shoreline location until adopting a comprehensive public access plan for the area showing that the subject right-of-way cannot be used as a contributing element in that plan. The city shall vacate a public right-of-way abutting a body of water only in compliance with RCW 35.79.035, ~~which allows vacations of streets abutting bodies of water only when:~~

- ~~a. The vacation will enable acquisition of the property for public purposes;~~
- ~~b. The street or alley is not suitable for certain purposes (e.g., port, park, education); or~~
- ~~c. The vacation will enable implementation of a public access plan.~~

12. In order to improve public access to the shoreline, the city shall acquire and/or retain abandoned or unused road or railroad rights-of-way for public access to and/or along the water.

B. Nonmotorized Facilities.

1. Nonmotorized facilities shall comply with provision for public access facilities in RMC 26.20.050.
2. Trails shall be developed consistent with adopted city and regional system plans.
3. Nonmotorized facilities shall avoid ~~sensitive~~ critical areas ~~features of the shoreline~~ to the extent feasible, including wetlands and fish and wildlife habitat conservation areas. Facilities shall be placed outside of or in the outer portions of buffers. Elevated walkways shall be utilized where feasible to cross wetlands and streams.

C. Railroads.

1. Railroad improvement requiring right-of-way expansion within the shoreline shall demonstrate that there is no feasible alternative outside of shoreline jurisdiction.
2. Expansion of existing railroad facilities within existing rights-of-way (additional track or other features) must demonstrate the need for a shoreline location and that no feasible upland alternative outside shoreline jurisdiction is feasible. New tracks shall be placed upland of existing tracks if feasible and may require relocation of existing tracks.
3. The project shall be designed to minimize alteration of ~~sensitive~~ critical area buffers, to fit the existing topography as much as feasible, and to minimize alterations to the natural or existing topography.
4. Wetlands shall be avoided whenever feasible. Bridges shall be utilized when crossing wetlands to avoid obstructing movement of surface and ground water unless it can be demonstrated that fill and compensatory mitigation will produce equal or greater ecological functions.
5. Trails and shoreline access should be provided with facilities to safely cross railroads, to enhance regional nonmotorized circulation, and improve public access to the shoreline. Any proposal to add tracks to an existing corridor shall include additional crossings of the rail corridor to make a proportional contribution to meeting an ultimate goal of at least one crossing every 2,500 feet.
6. Criteria for road crossings of streams and shoreline stabilization shall apply to railroads.

D. Parking.

1. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Parking facilities shall be located outside shoreline jurisdiction where possible. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use and shall be located outside of ~~sensitive~~ critical area buffers and as far from the water/land interface as possible.
2. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served. The only exceptions to this would be when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline and in all cases is prohibited over the water.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall comply with Chapter 23.54 RMC and, in addition, landscaping between parking areas and public access shall provide effective screening within three years of project completion.

26.30.110 Utilities.

A. New or substantially expanded utilities serving uses within the city may be located within shoreline jurisdiction only if:

1. The facility is needed within the shoreline jurisdiction to support permitted shoreline activities; and
2. No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or is set back further from the land/water interface.

B. Regional facilities that serve uses outside the city and all electric transmission facilities with a capacity greater than 50 kW shall demonstrate, based on an analysis of alternative routes and technology, that:

1. No upland alternative route is feasible;
2. Utilization of existing corridors is not feasible, including expansion or replacement of existing facilities, if new corridors are proposed;
3. A location within designated industrial environments or existing transportation corridors is not feasible;
4. The proposal has the least ~~feasible~~ adverse impact on the natural environment which is feasible; and

5. The location and design of the facility has the least ~~feasible~~ change in the existing character of the shoreline views enjoyed by residences or from public access facilities as is feasible, and will not obstruct scenic vistas.

C. Linear facilities consisting of pipelines, sewers, cables and other facilities roughly parallel to the shoreline shall be discouraged except where no other feasible alternative exists. At the time of replacement of such facilities that are close to their lifespan, or when such facilities are expanded, relocation outside of the shoreline may be required as if they were new facilities. When permitted, design shall assure that maintenance of the facilities does not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

D. Utilities shall be located in the least ~~sensitive~~ environmentally sensitive portions of a site and outside of natural open space areas, where feasible, and be designed to minimize environmental impact, avoid significant natural, historic, archaeological, or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts.

E. Utilities, where permitted, shall meet the following design criteria:

1. Facilities should occupy as little of the shoreline as feasible and should be located in existing rights-of-way and, if possible, should share existing facilities where feasible. Utility installation parallel to the shoreline should be avoided to the maximum extent feasible. Utilities shall cross the shoreline area by the shortest, most direct route, unless such route would cause substantial significant environmental damage.

2. Utilities shall be located and designed to minimize alterations to the natural environment, be located outside of natural open space areas, where feasible, and fit the existing topography as much as possible, and should be designed to minimize and mitigate environmental impact.

3. Facilities shall be located and designed to minimize introducing elements that change the existing character of the shoreline, obstruct views enjoyed by residences or from public access facilities, or obstruct scenic vistas.

4. Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if feasible. If new installations are required to cross water bodies or wetlands, they should avoid disturbing banks and streambeds, and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation, or lateral migration. Underwater utilities shall be placed in a sleeve if feasible to avoid the need for excavation in the event of the need for maintenance or replacement.

F. New electrical distribution lines within the shoreline shall be placed underground. Distribution lines that cross water or other ~~sensitive~~ critical areas may be allowed to be placed above ground if:

1. Underground installation would substantially disrupt ecological functions and processes of water bodies and wetlands, and horizontal drilling or similar technology that does not disturb the surface is not feasible;
2. Visual impacts are minimized to the extent feasible; and
3. If overhead facilities require that native trees and other vegetation in a ~~sensitive~~-critical areas buffer cannot be maintained in a natural condition, compensatory mitigation shall be provided on or off site.

G. Stormwater, wastewater, or water supply pump stations, and stormwater discharge facilities such as dispersion trenches, level spreaders, and outfalls may be located in the shoreline jurisdiction if:

1. Due to topographic or other physical constraints there are no feasible locations for these facilities outside the shoreline;
2. The facility minimizes and compensates for impacts to ~~sensitive~~ critical area buffers; and
3. Any discharge facility is designed and maintained to prevent erosion or other adverse impacts.

H. Construction shall be designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction.

I. Roadways or other facilities to access utility installations within ~~sensitive~~ critical area buffers shall be no wider than needed to construct, maintain, or repair the utility.

J. Facilities involving buildings; such as pump stations, electrical substations, or other facilities; ~~when permitted~~, shall be in scale with surrounding development, architecturally compatible and landscaped to assure compatibility with natural features, public access facilities, and adjacent uses.

K. Public Access. Utility development shall provide for compatible, multiple uses of sites and rights-of-way through coordination with local government agencies. Such uses include shoreline access in accordance with RMC 26.20.050, trail systems, and other forms of recreation and transportation, provided such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

This space intentionally left blank.

Chapter 26.40 SHORELINE MODIFICATION REGULATIONS

Sections:

- 26.40.010 Shoreline stabilization.**
- 26.40.020 Breakwaters, jetties, and groins.**
- 26.40.030 Flood hazard management.**
- 26.40.040 Clearing and grading.**
- 26.40.050 Dredging and dredge material disposal.**
- 26.40.060 In-stream structures.**

26.40.010 Shoreline stabilization.

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

A. New development, including subdivision, shall be located and designed to avoid the need for future shoreline stabilization to the maximum extent feasible. New lots created by subdivision shall not require shoreline stabilization in order for reasonable development to occur. New development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure. Proposed development that would require shoreline stabilization which would cause significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed. In all cases, compliance with this criterion shall be documented by geotechnical analysis by qualified professionals.

B. The construction of shoreline protection [measures](#) for the primary purpose of retaining or creating dry land ~~that is not specifically authorized as a part of the permit~~ is prohibited [unless specifically authorized as a part of a permit](#).

C. Shoreline stabilization shall be designed and constructed to avoid stream channel direction modification, realignment and straightening, or result in increased channelization of normal stream flows.

D. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by natural processes rather than from upland conditions such as poorly managed stormwater or vegetation removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The erosion control structure shall not result in a net loss of shoreline ecological functions.

E. Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:

1. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.
2. Stabilization constructed of natural materials incorporating measures such as soft-shore protection and bioengineering, including beach nourishment, protective berms, or vegetative stabilization.
3. Soft-shore stabilization, as described above, in combination with rigid works, as described below, constructed as a protective measure.
4. Rigid works constructed of artificial materials such as riprap or concrete.

F. Shoreline stabilization may be permitted to protect a water-dependent development, or single-family residences, when all of the [following](#) conditions ~~below~~ have been demonstrated to apply and are documented by a report by a qualified professional:

1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
2. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report; and
4. The stabilization structure shall not result in a net loss of shoreline ecological functions.
5. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

G. Shoreline stabilization may be permitted to protect an existing non-water-dependent development when all of the [following](#) conditions ~~below~~ are met as documented by a report by a qualified professional:

1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;
3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report;
4. The affected structure cannot be feasibly located or relocated outside of the area affected by natural shoreline erosion processes; and

5. The stabilization structure will not result in a net loss of shoreline ecological functions.

6. Where a geotechnical analysis confirms a need to prevent potential damage, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

H. Shoreline protection for the restoration of ecological functions or hazardous substance remediation projects pursuant to ~~Chapter 70.105D RCW~~ [Chapter 70A.305](#) shall meet the [following](#) conditions ~~below~~ and be documented by a qualified professional:

1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient; and

2. The erosion control structure will not result in a net loss of shoreline ecological functions.

I. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures, or public facilities (e.g., roads, bridges, railways, and utility systems) from erosion caused by stream undercutting or wave action. The existing shoreline stabilization structure must be removed from the shoreline as part of the replacement activity. The following conditions must be met and documented by a qualified professional:

1. There is a demonstrated need to protect principal uses or structures from erosion caused by stream geohydraulic processes.

2. The replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions.

3. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and overriding safety or environmental concerns exist. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

4. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.

5. For purposes of this subsection, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

J. A publicly funded shoreline stabilization project shall include appropriate provisions for public access to the shoreline, not create barriers to public access if in existence, and incorporate ecological restoration measures if feasible.

K. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this program are feasible, because of their limited durability and the potential hazard to shore users and the shoreline environment.

26.40.020 Breakwaters, jetties, and groins.

A. Breakwaters, jetties, rock weirs, and groins shall only be permitted by [a shoreline](#) special use permit for navigational purposes, water-dependent uses, and marinas where water-dependent uses are located waterward of the OHWM, and where protection from strong wave action is essential.

B. Breakwaters, jetties, rock weirs, and groins may be approved only if analysis by a qualified professional demonstrates that erosion and accretion processes, riparian habitat, channel migration, and floodplain functions will not be adversely affected or are mitigated by a specific program implemented over the lifespan of the effect.

C. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access and public fishing if such access is feasible and safe.

26.40.030 Flood hazard management.

A. New or substantially altered structural flood hazard reduction measures, such as dikes, levees, berms and similar flood control structures, shall be consistent with basin-wide flood control strategies in regional flood hazard management plans.

B. Flood control structures shall be permitted for the following purposes only, as documented through a geotechnical or geofluvial analysis:-

1. They are necessary to protect existing development.
2. Nonstructural flood hazard reduction measures are infeasible.
3. Impacts to ecological processes and functions, priority fish and wildlife species and habitats, and the aquatic food chain can be successfully mitigated to assure no net loss of [ecological](#) functions.
4. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.

C. Public access shall be provided in accordance with public access policies and ~~regulations of~~ RMC 26.20.050. If the project is publicly funded, the design must provide appropriate public access to the shoreline, improve public access to the shoreline, and provide ecological restoration where feasible.

D. Dike and levee design shall, to the maximum extent feasible, be:

1. Limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification;

2. Placed landward of fish and wildlife habitat conservation areas and wetland buffers unless there is no other feasible alternative to reduce flood hazard to existing development;

3. Located and designed so as to protect and restore the natural character of the stream, avoid the disruption of channel integrity, and provide the maximum opportunity for natural floodway functions to take place. Design must consider including levee setbacks to allow for more natural function of floodplains, channel migration zones, off channel habitat and associated wetlands directly interrelated and interdependent with the stream; and

4. Designed to incorporate appropriate vegetation management.

E. All flood protection measures shall demonstrate that downstream flooding will not be increased and the integrity of downstream ecological functions will not be adversely affected, including disruption of natural drainage flows and stormwater runoff.

F. Removal of materials from the river channel for flood management purposes may be allowed only as part of an adopted integrated flood control management program, and after biological and geomorphological study demonstrates that other flood hazard reduction strategies would not be effective in the absence of gravel removal. Specific studies accompanying the application must demonstrate that adverse flooding, erosion, or other environmental impacts either upstream or downstream of extraction sites would not occur or would be mitigated, including analysis of the natural processes of gravel transportation for the river system as a whole.

26.40.040 Clearing and grading.

A. Clearing and grading activities in shoreline areas shall be allowed only in association with a permitted shoreline development, and shall be limited to the minimum extent necessary to accommodate shoreline development. Clearing and grading shall retain natural features and functions, including natural topography, to the maximum extent feasible.

B. Fill is restricted in wetlands or fish and wildlife habitat conservation areas in accordance with ~~sensitive~~ critical areas regulations.

C. Fill may not be placed in floodways. Fill may be placed in other ~~flood hazard areas~~ frequently flooded areas only where it is demonstrated that adverse impacts to hydrogeologic processes will be avoided and the provisions of Chapter 26.60 RMC are met.

D. Fill below, or waterward, of the ordinary high water mark for any use except ecological restoration requires a shoreline special use permit. Fill may be placed below the OHWM only when it is demonstrated as necessary to:

1. Accomplish an aquatic habitat restoration plan;

2. Correct the adverse results of past shoreline modification that has disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat;

3. Provide for clean-up and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

4. Expand or alter transportation facilities of statewide significance currently located on the shoreline, and then only upon a demonstration that alternatives to fill are not feasible; or
5. Create water-dependent recreational facilities open to the public.

26.40.050 Dredging and dredge material disposal.

A. Dredging shall be permitted only:

1. For flood control purposes, as part of an adopted regional flood control plan;
2. In conjunction with a water-dependent use of water bodies or adjacent shorelands where channel modification is essential to the water-dependent use;
3. As part of an approved habitat improvement project; or
4. In conjunction with a bridge, navigational structure, water, or wastewater treatment facility for which there is a documented public need and where other **feasible** sites or methods are not feasible.

B. New dredging shall be permitted only where it is demonstrated by a report prepared by a qualified professional that it will avoid adverse impacts to water quality, fish and wildlife habitat conservation areas and other **sensitive critical** areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of ecological functions.

C. New development siting and design should avoid the need for new and maintenance dredging.

D. During a low water season, removal of a portion of an accretion point bar below the OHWM but above the water level at the time of operation may be permitted as a special use for flood control purposes as follows:

1. It is identified as an element of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of material removal, and is in accordance with RMC 26.40.030(F).
2. Specific studies accompanying the application must demonstrate that adverse flooding, erosion, or other environmental impacts would not occur or would be mitigated either upstream or downstream of extraction sites, including the natural processes of gravel transportation for the river system as a whole.

E. Dredge material disposal shall be permitted only at locations where it is demonstrated by analysis by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, **sensitive critical** areas, flood holding capacity, natural drainage and water circulation patterns, prime agricultural land, or public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of ecological functions.

F. Disposal of dredge material within fish and wildlife habitat conservation areas (FWHCA), wetlands, within a floodplain or within a river's channel migration zone shall be allowed only where alternative disposal sites are not feasible. In the limited instances where it is allowed, such disposal shall require a [shoreline](#) special use permit. Applicants shall demonstrate that:

1. The proposed dredge materials disposal site is subject to an allowed use under this program that:
 - a. Is an element of an approved restoration plan for aquatic or upland fish and wildlife habitat;
 - b. Will create, expand, rehabilitate, or enhance a beach that provides public recreation opportunities that is permitted under this program;
 - c. If on private land, the site will ultimately be suitable for a use permitted by this program or will be subject to buffer or other open space restrictions; and
 - d. Will affect the smallest feasible land.
2. Sites will be adequately screened from view of local residents or passersby on public rights-of-way to the maximum extent practicable (e.g., a combination of fencing and vegetation).
3. Sites will be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other ~~sensitive~~ [critical](#) areas functions.
4. Shoreline ecological functions and processes will be preserved, including protection of riparian buffers and surface and ground water.

26.40.060 In-stream structures.

A. In-stream structures may be allowed only when the public benefits of such facilities clearly outweigh any loss of ecological processes and functions, and only when an analysis of alternatives demonstrates that the proposed location and design would result in less adverse impact than alternative locations and designs.

B. In-stream structures may be approved only for:

1. Water-dependent use where the in-stream structure is essential to operation of the use.
2. A project that has received Governor's certification pursuant to Chapter 80.50 RCW, Energy Facility Siting.
3. A project that has received approval and licensing by the Federal Energy Regulatory Commission.
4. Projects that are part of an approved irrigation district plan or are private or corporate irrigation facilities approved by the Washington Department of Fish and Wildlife.

5. A fish or wildlife habitat restoration project approved by the Washington Department of Fish and Wildlife.

C. All applications for in-stream structures shall demonstrate that they result in no net loss of ecological functions, and ~~applications~~ shall detail all mitigation measures, include detailed mitigation plans, timetables for implementation, and a monitoring program.

D. In-stream structures and their support facilities shall be located and designed to minimize the need for shoreline defense structures. When shoreline defense structures are demonstrated as necessary, they shall be approved in accordance with RMC 26.40.010, Shoreline stabilization.

E. In-stream structures and associated facilities shall be designed and constructed to avoid, and where avoidance is not feasible shall mitigate, adverse land use impacts, including impacts to public access facilities, publicly owned lands or waters used for recreation, and public and private recreation facilities. Impacts to be avoided include the visual impact of the structure or facilities, the intrusion of roads or utility corridors into undeveloped area used for recreation, noise, and impacts from reduced water flows.

F. In-stream structures shall be designed and constructed to provide public access to and along the shoreline in accordance with the public access policies and regulations contained in RMC 26.20.050. Existing public access and recreational opportunities should be retained, enhanced, or replaced.

This space intentionally left blank.

Chapter 26.50 PERMIT ADMINISTRATION AND ENFORCEMENT

Sections:

- 26.50.001 Administrator.**
- 26.50.010 Permit requirements.**
- 26.50.011 Coordination with other agencies.**
- 26.50.012 Development compliance.**
- 26.50.020 Exemptions from [shoreline](#) substantial development permit.**
- 26.50.021 ~~Exemption procedures~~ [Exceptions to local review](#).**
- [26.50.025 Exemption procedures.](#)**
- 26.50.030 Shoreline permit application procedures.**
- 26.50.040 Approval criteria.**
- 26.50.050 [Shoreline](#) Special use permit.**
- 26.50.060 [Shoreline](#) Variances.**
- 26.50.070 Time requirements for shoreline permits.**
- 26.50.080 Land division.**
- 26.50.090 Construction permit compliance.**
- 26.50.100 Rulings to state.**
- 26.50.110 Appeals.**
- 26.50.120 Rescission of permits.**
- 26.50.121 Violations – Penalties.**
- 26.50.140 Restoration project relocation of OHWM.**
- 26.50.150 Shoreline moratorium.**
- [26.50.160 Non-conforming development.](#)**

26.50.001 Administrator.

The community development director or designee shall administer and be responsible for the enforcement of the Richland shoreline master program, [and is referred to as the administrator or shoreline administrator in this title.](#)

26.50.010 Permit requirements.

A. ~~Substantial-d~~ [Developments proposed on-shorelines within the shoreline jurisdiction](#) of Richland shall be allowed subject to the issuance of a [shoreline](#) permit from the city of Richland. Applications for a [shoreline](#) substantial development permit, [shoreline](#) special use permit, and [shoreline](#) variance are required to comply with the permit review provisions established by the state of Washington (Chapter 173-27 WAC) and the city of Richland, and shall be accompanied by a standard fee as set forth in the schedule of fees referenced in Chapter 19.80 RMC. Application forms containing the information required by WAC 173-27-180 shall be provided by the shoreline administrator.

B. Shoreline permits shall be classified as Type I or Type II permit applications according to the criteria established in RMC 19.20.010.

1. Decision authority for shoreline substantial development permits meeting the criteria for Type I permit applications shall rest with the administrator.
2. Decision authority for shoreline substantial development permits classified as Type II permit applications and all [shoreline](#) special use permits shall rest with the hearing examiner.
3. Decision authority for shoreline variances shall rest with the hearing examiner.

C. ~~Application~~ [Applications](#) for a [shoreline](#) substantial development permit or [shoreline](#) special use permit shall be considered a request for site plan approval as outlined in Chapter 23.48 RMC.

26.50.011 Coordination with other agencies.

The city will coordinate on issues relating to ecological conditions, functions and processes, and on wetland and ordinary high water delineations with the Washington State Department of Ecology, the Washington State Department of Natural Resources, and the Washington State Department of Fish and Wildlife, as well as other agencies with permit authority over a project, to the extent that agencies are timely in their response and coordination does not unduly extend review times.

26.50.012 Development compliance.

A. All uses and developments within the jurisdiction of the Shoreline Management Act shall be planned and carried out in a manner that is consistent with this program and the policies of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline special use permit is required. The city shall ensure compliance with the provisions of this program for all permits and approvals processed by the city.

B. Regulation of private property to implement any program goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes such as RCW 34.05.328 and 43.21C.060. An applicant requesting specific accommodation of constitutional or other legal limits in the application of standards and criteria of this program must do so in the application materials. The decision maker shall address such requests in specific findings.

C. Policies and provisions of this program and Chapter 90.58 RCW, including the permit system, shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

D. In reviewing all [shoreline](#) permits, consideration shall be given to the cumulative impact of existing development, approved but not yet constructed development, and the likelihood of additional requests for like actions to the extent such uses are allowed in an area and development trends indicate a reasonable likelihood of occurrence. The city shall track and periodically evaluate the cumulative effects of all project review actions in shoreline areas.

E. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Hydraulic Permit Act (HPA) permits, U.S. Army Corps of Engineers Section 404 permits, Washington State Department of Ecology water quality certification (Section 401) national pollution discharge elimination system permits). The applicant is responsible for complying with these requirements apart from the process established in this chapter.

26.50.020 Exemptions from [shoreline](#) substantial development permit.

A. A [shoreline](#) substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1).

B. The following shall not be considered substantial developments for the purpose of this shoreline program and are exempt from obtaining a shoreline substantial development permit (SSDP); provided, that any additional exemptions established by legislative amendment of the statute shall constitute exemptions without amendment to this code. An exemption from an SSDP is not an exemption from compliance with the Act or the shoreline master program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this shoreline program and the Shoreline Management Act. A use or development exempt from a shoreline substantial development permit may require a [shoreline](#) special use permit or a [shoreline](#) variance.

1. Governor's Certification. Any project with a certification from the Governor pursuant to Chapter 80.50 RCW.
2. Projects valued at or below ~~\$6,416~~, [the current dollar amount](#) established by RCW 90.58.030(3)(e) [and WAC 173.27.040](#), as [periodically](#) amended for Consumer Price Index inflations.
3. Maintenance and Repair. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
 - a. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.
 - b. "Normal repair" means to restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.
 - c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development, including, but not limited to, its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment.

4. Emergency Construction. Emergency construction necessary to protect property from damage by the elements.

a. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with the shoreline master program.

b. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, Chapter 173-27 WAC, or this shoreline program shall be obtained.

c. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the shoreline master program.

d. In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency.

5. Agricultural Construction or Practices. Construction and practices normal or necessary for farming, irrigation and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including, but not limited to, head gates, pumping facilities and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

6. Construction of Single-Family Residence and Accessory Buildings. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level as defined in WAC 173-27-030, and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this section.

a. “Single-family” residence means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenance. An “appurtenance” is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and the perimeter of a wetland.

b. Construction authorized under this exemption shall be located landward of the OHWM.

7. Construction of Noncommercial Docks. Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multifamily residences. This exception applies if:

a. The fair market value of the dock does not exceed ~~\$20,000~~ the current dollar amount established by RCW 90.58.030(3)(e) and WAC 173-27-040, as periodically amended for Consumer Price Index inflations, for docks that are constructed to replace existing docks and are of equal or lesser square footage than the existing dock being replaced; or

b. Ten thousand dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in this subsection, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

c. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances.

d. The dock meets all requirements of this code. A private dock generally is prohibited.

8. Construction Authorized by the Coast Guard. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

9. Operation, Maintenance, or Construction Related to Irrigation. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

10. Marking of Property Lines on State-Owned Lands. The marking of property lines or corners on state-owned lands when such marking does not interfere with the normal public use of the surface of the water.

11. Operation and Maintenance of Agricultural Drainage or Dikes. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing as of September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

12. Activities Necessary for Permit Application. Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the shoreline master program, if:

a. The activity does not interfere with the normal public use of the surface waters;

- b. The activity will have no significant adverse impact on the environment, including, but not limited to, fish, wildlife, fish or wildlife habitat [conservation areas](#), water quality, and aesthetic values;
- c. The activity does not involve the installation of a structure, and, upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity;
- d. A private entity seeking development authorization under the shoreline master program first posts a performance bond or provides other evidence of financial responsibility to the administrator to assure that the site is restored to preexisting conditions; and
- e. The activity is not subject to the permit requirements of RCW 90.58.550.

13. Removal or Control of Noxious Weeds. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW.

14. Watershed Restoration Projects. Watershed restoration projects as defined below:

- a. “Watershed restoration project” means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - i. A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
 - ii. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.
 - iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state; provided, that any structure other than a bridge or culvert or in-stream habitat enhancement structure associated with the project is less than 200 square feet in floor area and is located above the OHWM of the stream.
- b. “Watershed restoration plan” means a plan developed or sponsored by a state department, a federally recognized Indian tribe, a city, or a conservation district, for which agency and public review has been conducted pursuant to Chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-

creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

15. Projects to Improve Fish and Wildlife Passage or Habitat. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

- a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage, and appropriately designed and sited to accomplish the intended purpose;
- b. The project has received hydraulic project approval ([HPA](#)) by the Department of Fish and Wildlife pursuant to Chapter 75.20 RCW; and
- c. The administrator has determined that the project is consistent with this shoreline [master](#) program.

~~16. Hazardous Substance Remediation. Hazardous substance remedial actions pursuant to WAC 173-27-040(3).~~

~~17.~~[16.](#) Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration. Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of the OHWM or other criteria due to a shoreline restoration project approved in accordance with RMC 26.50.140 that creates a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the Act.

[17. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 \(42 U.S.C. Sec. 12101 et seq.\) or to otherwise provide physical access to the structure by individuals with disabilities.](#)

C. All of the above exemptions are subject to the following regulations:

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the [shoreline](#) substantial development permit process.
2. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
3. If any part of a proposed development is not eligible for exemption, then a [shoreline](#) substantial development permit or [shoreline](#) special use permit is required for the entire project.

26.50.021 ~~Exemption procedures~~ [Exceptions](#) to local review.

[A. While Shoreline Substantial Development Permit exemptions listed in RMC 26.50.020 remain subject to compliance with Shoreline Master Program standards, the Act allows for Exceptions to](#)

Local Review which exempts the following activities from compliance with Shoreline Master Program standards:

1. Remedial hazardous substance cleanup actions.
2. Boatyard improvements to meet NPDES requirements.
3. Washington State Department of Transportation (WSDOT) facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.
6. Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of Chapter 90.58 RCW.

26.50.021025 Exemption procedures.

A. A project requiring a permit from the city and subject to an exemption to a shoreline substantial development permit shall be reviewed under the criteria of the underlying permit with an additional finding recorded by the administrator addressing the grounds under which the permit is exempt.

B. Any person claiming exemption from the permit requirements of this shoreline program as a result of the exemptions specified in this ~~section~~ chapter may make application for an ~~exemption certificate~~ permit shoreline exemption permit to the administrator in the manner prescribed by the city, including payment of a fee as provided in the city's posted fee schedule.

C. For projects where Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers, the city shall transmit an ~~exemption certificate~~ shoreline exemption permit addressed to the applicant and the Department of Ecology whenever a development is subject to one or more of the following federal permit requirements:

1. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, which generally applies to any project occurring on or over navigable waters. Specific applicability information should be obtained from the U.S. Army Corps of Engineers; or
2. A Section 404 permit under the Federal Water Pollution Control Act of 1972, which generally applies to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the U.S. Army Corps of Engineers.

The ~~letter~~ shoreline exemption permit shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the shoreline program and the Act.

D. The city may attach conditions to the approval of exempted developments and/or uses as necessary to ensure consistency of any project with the Shoreline Management Act and this shoreline master program.

26.50.030 Shoreline permit application procedures.

In addition to the public notice requirements of RMC Title 19, Development Regulation Administration, the following notice shall be provided for each application for a shoreline substantial development permit, [shoreline](#) special use permit, or [shoreline](#) variance ~~permit~~:

A. Within 14 days after the city has made a determination of completeness on the project permit application, the city shall issue public notice, including:

1. The date of application, the date of the notice of completion for the application, and the date of the notice of application;
2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, 36.70B.090, and WAC 173-27-180;
3. The identification of other permits not included in the application to the extent known by the city;
4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;
5. A statement of the public comment period, which shall be not less than 30 days following the date of notice of application;
6. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments shall be accepted at any time prior to the closing of the record of an open record hearing, if any, or, if no open record hearing is provided, prior to the decision on the project permit;
7. The date, time, place and type of hearing, if applicable and scheduled as of the date of notice of the application;
8. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and consistency; and
9. Any other information determined appropriate by the administrator.

B. Public notice shall include:

1. Mailing of the notice to all latest recorded real property owners, as shown by the records of the county assessor, located within at least 300 feet of the boundary of the property upon which the development is proposed;

2. Posting on the property;
3. Publication at least once in the official newspaper of the city; and
4. If an open record public hearing is required, a notice shall be provided at least 15 days prior to the hearing.

26.50.040 Approval criteria.

In order to approve any development within shoreline master program jurisdiction, the city must find that a proposal is consistent with the following criteria in addition to the requirements of RMC Title 19, Development Regulation Administration.

- A. Conformance with the Shoreline Management Act of 1971, as amended;
- B. General conformance with the goals ~~for~~ of the shoreline master program, the general development policies for the plan elements, and the applicable policy statements for the use activity and the shoreline environment;
- C. Compliance with use regulations of the shoreline master program appropriate to the shoreline designation and the type of use or development proposed, particularly the preference for water-oriented uses, subject to liberal construction to give full effect to the objectives and purposes for which they have been enacted. If a non-water-oriented use is approved, the decision maker shall enter specific findings documenting why water-oriented uses are not feasible;
- D. Compliance with bulk and dimensional regulations of the shoreline master program appropriate to the shoreline designation and the type of use or development proposed, except those bulk and dimensional standards that have been modified by approval of a shoreline variance;
- E. Consideration of the recommendations and comments of the Richland parks and recreation commission, ~~as~~ if the proposed development will affect and be affected by the goals and objectives of city plans for parks, trails, and open space;
- F. General conformance with the provisions of the Richland comprehensive plan;
- G. Consideration of provisions for facilities and improved designs to accommodate and encourage use by the physically disabled;
- H. Compliance with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW; and
- I. Compliance with applicable provisions of the Richland Municipal Code.

26.50.050 Shoreline Special use permit.

A. Certain uses are indicated in the use ~~chart~~ table as being permitted subject to the granting of a shoreline special use permit. The purpose of a shoreline special use permit is to provide greater flexibility in administering the use regulations of the shoreline program to accommodate certain uses which, by nature of use, intensity, or impact on an area, cannot be permitted outright within a shoreline environment in a manner consistent with the policies of RCW 90.58.020. In authorizing a shoreline special ~~conditional~~ use permit, special conditions may be attached to the permit by the

city or the Department of Ecology to prevent undesirable effects of the proposed use, and/or to ensure consistency of the project with the Act and the shoreline master program. Note: A [shoreline](#) special use permit is the same as a [shoreline](#) conditional use in WAC 172-27-160.

B. Applications for [shoreline](#) special use permits ~~for development on shorelines~~ shall be considered a request for site plan approval; ~~and shall also be required to observe~~ the permit application review procedure set forth in this program [shall apply](#).

C. Applicants shall disclose ~~as part of the~~ [with](#) permit ~~process~~ [applications](#):

1. Any applicable federal, state or local regulatory permit requirements; and
2. The status of any contact with those agencies having permit jurisdiction over the proposed project, and the status of any permit applications that may have been applied for.

D. Uses ~~which are~~ classified in this shoreline program as special uses may be authorized; provided, that the applicant demonstrates all of the following:

1. That the proposed use is consistent with the policies, regulations and standards of RCW 90.58.020 and this shoreline [master](#) program;
2. That the proposed use will not interfere with the normal public use of public shorelines;
3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under Richland's comprehensive plan and shoreline master program;
4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
5. That the public interest suffers no substantial detrimental effect.

E. In the granting of all [shoreline](#) special use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if [shoreline](#) special use permits were granted for other developments in the area where similar circumstances exist, the total of the special uses shall also remain consistent with the policies of RCW 90.58.020, and shall not produce substantial adverse effects to the shoreline environment.

F. Other uses which are not classified or set forth in the shoreline master program may be authorized as special uses, provided the applicant can demonstrate consistency with the requirements of this section and the requirements for special uses contained in the shoreline program.

G. Uses which are specifically prohibited by the shoreline [master](#) program may not be authorized ~~pursuant to either subsection (A) or (B) of this section.~~

26.50.060 Shoreline Variances.

A. A development ~~may be granted~~ which is at variance with the specific bulk, dimensional or performance standards established in the shoreline master program may be allowed where, owing to extraordinary circumstances relating to the physical character or configuration of property, the literal interpretation and strict application of the criteria established in the shoreline master program would cause undue and unnecessary hardship or thwart the policies set forth in RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances are present. ~~A variance permit may be required for a use that does not require a substantial development permit but which may not be approved because it does not comply with the provisions of the shoreline master program.~~

B. Review of a shoreline variance permit shall be in accordance with RMC 26.50.050, Shoreline Special use permit.

C. Decision Criteria. The hearing examiner must find each of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the shoreline master program precludes, or significantly interferes with, reasonable use of the property;
2. That the hardship described in subsection ~~(A)~~ (C)(1) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline master program, and not, for example, from deed restrictions or the applicant's own actions;
3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program, and will not cause adverse impacts to the shoreline environment;
4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
5. That the variance requested is the minimum necessary to afford relief; and
6. That the public interest will suffer no substantial detrimental effect.
7. In the granting of all shoreline variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020, and shall not cause substantial adverse effects to the shoreline environment.

26.50.070 Time requirements for shoreline permits.

A. The time requirements of this section shall apply to all shoreline substantial development permits, and to any development authorized pursuant to a shoreline variance permit or shoreline special use permit authorized under the shoreline master program.

B. No construction pursuant to such permit shall begin or be authorized, and no building, grading or other construction permits or use permits shall be issued by the city, until 21 days from the date a [shoreline](#) substantial development permit was filed with the Department of Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the 21 days immediately following the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

C. No permits and construction pursuant to a [shoreline](#) special use permit or [shoreline](#) variance shall begin or be authorized until 21 days from the date of notification of approval by the Department of Ecology, or until all review proceedings are completed as were initiated within the 21 days immediately following the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

D. Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143, construction activities, or a use or activity for which a permit has been granted pursuant to this shoreline program, must be commenced within two years of the effective date of a shoreline permit, or the shoreline permit shall terminate and a new permit shall be necessary. However, the administrator may authorize a single extension for a period not to exceed one year based on reasonable factors if a request for extension has been filed with the city before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology. “Construction activities” or “commencement of construction” means that construction applications must be submitted, permits must be issued, and foundation inspections must be approved and completed.

E. A permit authorizing construction shall extend for a term of no more than five years after the effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW 90.58.143 and subsection (F) of this section. If an applicant files a request for an extension prior to expiration of the shoreline permit, the administrator shall review the permit, and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one year. Otherwise, said permit shall terminate. Notice of the proposed permit extension shall be given to parties of record and the Department of Ecology. To maintain the validity of a shoreline permit, it is the applicant’s responsibility to maintain valid construction permits in accordance with adopted building codes.

F. If it is determined that standard time requirements of subsections (D) and (E) of this section should not be applied, the decision maker, upon a finding of good cause, may establish shorter time limits; provided, that as a part of action on a special use or variance, the approval of the Department of Ecology shall be required. “Good cause” means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.

G. For purposes of determining the life of a shoreline permit, the effective date of a shoreline substantial development permit, shoreline special use permit, or shoreline variance permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods do not include the time during which a use or activity was not actually pursued due to the pendency of appeals or

legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed.

H. It is the responsibility of the applicant to inform the administrator of the pendency of other permit applications filed with agencies other than the city, and of any related administrative or legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the city prior to the expiration date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the effective date of the shoreline permit.

I. If the granting of a shoreline permit by the city is appealed to the Shorelines Hearings Board, and the Shorelines Hearings Board has approved the granting of the permit, and an appeal for judicial review of the Shorelines Hearings Board decision is filed, construction authorization may occur subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(c).

26.50.080 Land division.

Prior to approval of any land division, such as short subdivisions, preliminary long plats, and boundary line adjustments within shoreline jurisdiction, the city shall document compliance with bulk and dimensional standards as well as policies and regulations of the shoreline master program, and attach appropriate conditions and/or mitigating measures to such approvals to ensure the design, development activities, and future use associated with such lands are consistent with the shoreline master program. A prohibition on individual private docks shall be imposed on all land divisions.

26.50.090 Construction permit compliance.

For all development within shoreline jurisdiction, the building official shall not issue a construction permit for such development until compliance with the shoreline master program has been documented. If a shoreline substantial development permit is required, no permit shall be issued until all comment and appeal periods have expired. Any permit issued by the building official for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

26.50.100 Rulings to state.

Any ruling on an application for a permit or permit revision under authority of this shoreline program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with the Department of Ecology and the Attorney General by the administrator. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

26.50.110 Appeals.

Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the Shorelines Hearings Board by filing a petition for review within 21 days of the date of receipt of the decision as provided for in RCW 90.58.140(6).

26.50.120 Rescission of permits.

A. Any shoreline permit issued under the terms of this shoreline [master](#) program may be rescinded or suspended upon a finding that a permittee has not complied with conditions of the permit.

B. Such rescission and/or modification of an issued permit shall be initiated by serving written notice of noncompliance on the permittee, which shall be sent by registered or certified mail, return receipt requested, to the address listed on the application, or to such other address as the applicant or permittee may have advised the city; or such notice may be served on the applicant or permittee in person or on his agent in the same manner as service of summons as provided by law.

C. Before any such permit can be rescinded, a public hearing shall be held by the administrator. Notice of the public hearing shall be made in accordance with Chapter 19.40 RMC. The decision of the administrator shall be the final decision of the city on all rescinded applications. A written decision shall be transmitted to the Department of Ecology, the Attorney General's office, the applicant, and such other departments or boards of the city as are affected thereby and the city council.

D. The Department of Ecology may petition the Shorelines Hearings Board for a rescission of the permit if Ecology is of the opinion that the noncompliance continues to exist 30 days after the date of the notice, and the city has taken no action to rescind the permit, as provided by RCW 90.58.140(8).

26.50.121 Violations – Penalties.

A. Violation of this chapter is subject to the procedures and penalties of Chapter 10.02 RMC, Violations and Procedures.

B. In addition to the provisions of RMC Title 10, the city attorney may bring action pursuant to Chapter 90.58 RCW and other applicable statutes, including such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the state within the city's jurisdiction which are in conflict with the provisions and programs of this shoreline program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this program and the Shoreline Management Act of 1971, including the cease and desist provisions of WAC 173-27-270.

C. Any person who shall fail to conform to the terms of a permit issued under this chapter, or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter, shall also be subject to a civil penalty not to exceed \$1,000 for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

D. In addition to incurring civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the shoreline master program rules or regulations adopted pursuant thereto shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$25-~~00~~ nor more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment; provided, that the third and all

subsequent violations in any five-year period shall constitute a gross misdemeanor punishable by up to 364 days of imprisonment and a fine of not less than \$500.~~00~~ nor more than \$5,000.

E. In addition to subsections (A) through (D) of this section, any person subject to this shoreline program who violates any provision of this shoreline program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The city attorney shall bring suit for damages under this subsection on behalf of the city. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

26.50.140 Restoration project relocation of OHWM.

The city may grant relief from shoreline master program development standards and use regulations when the following apply:

A. A shoreline restoration project causes, or would cause, a landward shift in the ordinary high water mark, resulting in the following:

1. Land that had not been regulated under this title prior to construction of the restoration project is brought under shoreline jurisdiction; or
2. Additional regulatory requirements apply due to a landward shift in required ~~shoreline~~ buffers or other regulations of the shoreline master program; and
3. Application of shoreline master program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.

B. The proposed relief meets all of the following criteria:

1. The proposed relief is the minimum necessary to relieve the hardship;
2. After granting the proposed relief, there is net environmental benefit from the restoration project; and
3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the shoreline master program.
4. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.

C. The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during Ecology's normal review of a shoreline substantial development permit, [shoreline](#) special use permit, or [shoreline](#) variance. If no such permit is required, then Ecology shall conduct its review when the city provides a copy of a complete application and all supporting information necessary to conduct the review.

1. Except as otherwise provided in subsection (D) of this section, the Department of Ecology shall provide at least 20 days' notice to parties that have indicated interest to Ecology in reviewing applications for relief under this section, and post the notice on Ecology's website.
2. The Department of Ecology shall act within 30 calendar days of close of the public notice period, or within 30 days of receipt of the proposal from the city if additional public notice is not required.

D. The public notice requirements of subsection (C) of this section do not apply if the relevant shoreline restoration project was included in a shoreline master program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

1. The restoration plan has been approved by Ecology under applicable shoreline master program guidelines; and
2. The shoreline restoration project is specifically identified in the shoreline master program or restoration plan, or is located along a shoreline reach identified in the shoreline master program or restoration plan as appropriate for granting relief from shoreline regulations; and
3. The shoreline master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

26.50.150 Shoreline moratorium.

The city council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act in accordance with RCW 90.58.590.

26.50.160 Non-conforming development.

A. "Non-conforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the SMA or the SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP. Nonconforming use and development standards not addressed in RCW 90.58.270(5), 90.58.620, and not addressed by the SMP are found in WAC 173-27-080. In the event of a conflict between WAC 173-27-080 and the standards contained in the RMC, the requirement that most supports the provisions of the SMA as stated in RCW 90.58.020 shall apply, as determined by the City's Shoreline Administrator.

B. Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the SMA or the SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP or policies of the SMA. In such

cases, the following standards shall apply:

1. Nonconforming uses and structures may continue provided that it is not enlarged or expanded;
2. A nonconforming use or structure which is moved any distance must be brought into conformance with the SMA and the SMP;
3. If a nonconforming structure is damaged to an extent not exceeding fifty percent (50%) replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one (1) year of the date of damage. Single-family nonconforming development may be replaced if damaged to one hundred percent (100%), if the restoration is completed within three (3) years of the date of damage;
4. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two (2) year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;
5. A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed;
6. An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the SMA and the SMP, but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the SMA and the SMP;
7. A use which is listed as a special use but which existed prior to adoption of the SMP for which a shoreline special use permit has not been obtained shall be considered a nonconforming use; and
8. A structure for which a shoreline variance has been issued shall be considered a legal nonconforming structure and the requirements of this Section shall apply as they apply to preexisting nonconformities.

This space intentionally left blank.

Chapter 26.60
~~SENSITIVE~~ CRITICAL AREAS

Sections:

Article I. General Provisions

- 26.60.005 ~~Sensitive~~ Critical areas.
- 26.60.010 General purpose and intent.
- 26.60.012 General applicability of these regulations.
- 26.60.015 General relationship of regulations ~~of one type of sensitive area protection~~ to other regulations.

Article II. Wetlands

- 26.60.020 Regulated activities in wetlands.
- 26.60.021 ~~Exemptions~~ Exceptions and allowed uses in wetlands.
- 26.60.022 Wetland inventory maps.
- 26.60.023 Rating – Categories of wetland.
- 26.60.024 Wetland buffer areas.
- 26.60.025 Wetland ~~Buffer~~ buffer modifications.
- 26.60.026 Wetland alteration and mitigation.
- 26.60.027 Stormwater runoff.
- 26.60.028 Mitigation standards, criteria, and plan requirements.
- 26.60.029 Wetland mitigation plan requirements.
- 26.60.030 ~~Performance~~ Design standards for wetlands mitigation planning.
- 26.60.031 Wetland monitoring program and contingency plan.
- ~~26.60.032 Unauthorized alterations and enforcement.~~

Article III. Fish and Wildlife Habitat Conservation Areas

- 26.60.040 ~~Exemption~~ Exceptions from fish and wildlife habitat conservation regulations.
- 26.60.041 Fish and wildlife habitat conservation areas ~~inventory maps~~.
- 26.60.042 Fish and wildlife habitat conservation ~~buffer~~ areas buffers.
- 26.60.043 Fish and wildlife habitat ~~alteration~~ conservation area inventory maps.
- 26.60.044 Requirements for Fish and wildlife habitat conservation area reports.
- 26.60.045 Fish and wildlife habitat conservation area – Performance standards.
- 26.60.046 Fish and wildlife habitat conservation area alteration.

Article IV. ~~Geologic Hazard Areas~~ Geologically Hazardous Areas

- 26.60.050 Identification and definition.
- 26.60.051 Applicability to geological hazards.
- 26.60.052 Geologic hazard inventory maps.
- 26.60.053 Preliminary assessment.

- 26.60.054 Geologic reports and studies.
- 26.60.055 Administrative evaluation of geologic reports and studies.
- 26.60.056 Assurance.

Article V. Critical Aquifer Recharge Areas Protection

- 26.60.057 Identification and definition.
- 26.60.058 Critical aquifer recharge area maps.
- 26.60.059 ~~General exemptions.~~ Exceptions from critical aquifer recharge area regulations.
- 26.60.060 Reports and studies.
- 26.60.061 Performance standards.
- 26.60.062 Uses prohibited in critical aquifer recharge areas.

Article VI. Flood Hazard Areas

- 26.60.070 Identification and definition.
- 26.60.071 Maps and references.
- 26.60.072 Protection standards.

Article VII. General Information

- 26.60.080 General ~~exemptions.~~ exceptions.
- 26.60.081 Permit process and application requirements.
- 26.60.082 Requirements of qualified consultants.
- 26.60.083 Land divisions.
- 26.60.084 General procedural provisions.
- 26.60.085 Unauthorized alteration and enforcement.
- 26.60.086 Notice on title.

Article I. General Provisions

- 26.60.005 ~~Sensitive~~ Critical areas.

The following sections of this chapter, ~~Sensitive~~ Critical Areas, apply to ~~sensitive~~ critical areas within Shoreline Management Act jurisdiction.

- 26.60.010 General purpose and intent.

A. ~~Sensitive~~ Critical areas perform many important biological and physical functions that benefit the city of Richland and its residents. The city shall regulate in the shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more ~~sensitive~~ critical areas, consistent with the provisions of this chapter, ~~Sensitive~~ Critical Areas.

These functions include, but are not limited to, the following (by type):

1. Wetlands: helping to maintain water quality; storing and conveying stormwater and flood water; recharging ground water; ~~providing important wildlife habitat; and serving as areas for~~

~~recreation, educational and scientific study, and aesthetic appreciation.~~ contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; providing important wildlife habitat i.e. providing food, breeding, nesting and/or rearing habitat for fish and wildlife; improving water quality through biofiltration, adsorption and retention and transformation of sediments, nutrients and toxicants and serving as areas for recreation, educational and scientific study, and aesthetic appreciation; such beneficial functions are widely known as ecosystem services.

2. Fish and wildlife ~~habitat areas~~ habitat conservation areas: maintaining species diversity and genetic diversity of local flora and fauna; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, educational and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.

3. In addition, certain portions of the city of Richland are characterized by geologic hazards that pose a risk to public and private property, to human life and safety, and to the natural systems that make up the environment of the city of Richland. These lands are affected by natural processes that make them susceptible to landslides, seismic activity, and/or severe erosion. The city of Richland maintains that protection of ~~sensitive~~ critical areas and regulation of geologic hazards are necessary to protect the public health, safety, and welfare.

4. Certain portions of the city are located within critical aquifer recharge areas whose potential contamination poses a risk to public health and safety. These lands are susceptible to the degradation of ground water quality and quantity that could potentially impact potable water systems.

5. Certain portions of the city are subject to frequent flooding. Areas that are subject to flooding perform important hydrologic functions and may present risks to persons and property. Floodplains are regulated by the city under Chapter 22.16 RMC.

B. This chapter contains standards, guidelines, criteria and requirements intended to identify, analyze, and mitigate probable impacts to the city of Richland's ~~sensitive~~ critical areas and ~~geologic hazard areas~~ geologically hazardous areas within the shoreline jurisdiction and to enhance and restore them when possible. The intent of these regulations, in concert with other shoreline master program provisions, is to achieve no net loss of ecological function. In appropriate circumstances, impacts to ~~sensitive~~ critical and ~~geologic hazard areas~~ geologically hazardous areas that result from regulated activities may be minimized, rectified, reduced, and/or compensated for, consistent with these requirements. The city of Richland's goal shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes to achieve no net loss of shoreline ecological functions, and to avoid probable impacts, to the extent feasible, to all ~~sensitive~~ critical areas.

C. It is the intent of this chapter to:

1. Implement the goals and policies of the city of Richland's comprehensive plan, including those goals and policies that pertain to natural features and environmental protection; aesthetics and community character; adequate housing and infrastructure; opportunities for economic development; creation of a balanced transportation system; adequate public facilities; and achievement of a mix of land use types and densities consistent with the city of Richland's land use plan;
2. Protect ~~sensitive~~ critical areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to WAC 173-26-201(2)(a), and in consultation with state and federal agencies and other qualified professionals, and to integrate the full spectrum of state, tribal, and federal programs;
3. Comply with the Shoreline Management Act, Chapter 90.58 RCW, and implementing rules;
4. Serve as a basis for exercise of the city's substantive authority under the State Environmental Policy Act (SEPA) and the city's SEPA rules;
5. Comply with the requirements of the Growth Management Act, Chapter 36.70A RCW, and implementing rules; and
6. Coordinate environmental review and permitting of proposals to avoid duplication and delay.

D. The city of Richland has mapping available from a variety of local, state, and federal information sources and based on topographic, geologic, hydrologic, and habitat characteristics that indicate where ~~sensitive~~ critical areas or geologic hazards may exist. Additional study and mapping are needed to verify that such conditions do prevail, and to identify other areas that are potentially ~~sensitive~~ critical areas. Maps and reference documents in the city of Richland's SMP inventory, characterization and analysis report include this information. This mapping helps the city identify the potential presence of ~~sensitive~~ critical areas or the risks associated with developing lands subject to geologic hazards to the public. It should be noted that the boundaries of the ~~sensitive~~ critical areas ~~and geologic hazard areas~~ displayed on these maps are approximate and are not intended to be used for individual site assessment. When differences occur between what is illustrated on these maps and current site conditions, the actual presence or absence of environmentally ~~sensitive~~ critical areas ~~or geologic hazard areas~~ on the site shall determine the action to be taken.

26.60.012 General applicability of these regulations.

The provisions of these regulations shall apply to any activity ~~that affects~~ affecting ~~sensitive~~ critical areas or their established buffers within the city's shoreline jurisdiction, and this provision applies whether or not a shoreline substantial development permit or other type of city approval is being sought or is required.

26.60.015 General relationship of regulations ~~of one type of sensitive area protection~~ to other regulations.

These ~~sensitive~~ critical area regulations shall apply as an overlay and in addition to shoreline, zoning, land use, and other regulations established by the city of Richland.

Areas characterized as ~~sensitive~~ critical may also be subject to other regulations established by this title due to the overlap or multiple functions of some ~~sensitive~~ critical ~~or critical~~ areas. For example, some landslide hazard areas (e.g., steep slopes) adjacent to wetlands may be regulated by buffering requirements according to the wetland management provisions of this title. Wetlands may be defined and regulated according to the wetland section and habitat management provisions of this title.

In the event of any conflict between these regulations and any other regulations of the city of Richland, the regulations which provide greater protection to environmentally ~~sensitive~~ critical areas shall apply.

Article II. Wetlands

26.60.020 Regulated activities in wetlands.

The following activities ~~which occur in conjunction with a development application~~ within a wetland and its associated buffer, or outside a wetland or buffer but affecting the wetland or buffer, shall be regulated pursuant to the standards of this chapter to achieve, at a minimum, no net loss of wetland area and ecological functions, including lost time when the wetland does not perform the function:

- A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;
- B. Dumping, discharging or filling with any material;
- C. Draining, flooding or disturbing the water level or water table;
- D. Driving, piling or placing obstructions;
- E. Constructing, reconstructing, demolishing or altering any structure or infrastructure, or if the activity results in greater impervious surface coverage;
- F. Destroying or altering vegetation, including through clearing, intentional burning, harvesting, shading or planting vegetation that would alter the character of wetland;
- G. Activities that result in significant changes in water temperature, physical or chemical characteristics of wetland water sources, introduction of pollutants, including water quantity and quality as stated in Chapter 90.03 RCW and Chapter 173-201 WAC;
- H. Alteration of natural drainage patterns or any activity that results in a discharge of stormwater runoff into a wetland; and

I. Any other activities affecting a wetland or wetland buffer not otherwise exempt from the provisions of this article.

26.60.021 ~~Exemptions~~ Exceptions and allowed uses in wetlands.

A. Wetlands. Small, isolated wetlands in arid landscapes often have higher value and perform greater functions than in other settings. However, in certain circumstances, applying the buffers in Table 26.60.024(D) RMC may result in buffer areas larger than the wetland being protected. In these instances, a critical area report for wetlands must be submitted and the City may consult with the Department of Ecology to determine whether ~~exemptions~~ exceptions from mitigation sequencing and/or reduced buffers are warranted. ~~The following wetlands are exempt from the buffer provisions contained in this chapter and the normal mitigation sequencing process in RMC 26.20.020. They may be filled if impacts are fully mitigated based on provisions in RMC 26.60.026, Wetland alteration and mitigation. In order to verify the following conditions, a critical area report for wetlands must be submitted:~~

~~1. All isolated Category III and IV wetlands less than 1,000 square feet that:~~

~~a. Are not associated with riparian areas or buffer;~~

~~b. Are not part of a wetland mosaic;~~

~~c. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance;~~

~~d. Are not a vernal pool;~~

~~e. Are not an alkali wetland; and~~

~~f. Do not contain aspen stands.~~

B. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a ~~sensitive~~ critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – general forest practice permits (conversions) as defined in Chapter 76.09 RCW and Chapter 222-12 WAC.

2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.

3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops, and provided the harvesting does not require tilling of soil, planting of crops, chemical

applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

4. Agricultural activities that are existing and ongoing; provided, that they implement applicable best management practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service's Field Office Technical Guide; or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts to wetlands from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations and wildlife habitat.

~~4~~5. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.

~~5~~6. Enhancement of a wetland through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities shall occur in conjunction with removal of invasive plant species.

~~6~~7. Educational and scientific research activities.

~~7~~8. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not expand the footprint or use of the facility or right-of-way.

C. Notwithstanding the ~~exemptions~~ exceptions provided by this chapter, any otherwise exempt activities occurring in or near wetlands shall comply with the intent of these standards and shall consider on-site alternatives that achieve no net loss of ecological wetland functions.

26.60.022 Wetland inventory maps.

The approximate location and extent of wetlands within the city of Richland's planning area are shown on the ~~sensitive~~ critical areas maps adopted as part of this program, and provided in the city's SMP inventory, analysis and characterization report. These maps shall be used only as a general guide for the assistance of property owners and the public, as the boundaries are generalized. The actual type, extent, and boundaries of wetlands shall be determined in the field by a qualified ~~consultant~~ professional according to the procedures, definitions, and criteria

established by this title. In the event of any conflict between the wetland location or designation shown on the city of Richland’s maps and the criteria or standards of this title, the results of applying the criteria and standards during the field investigation shall control.

[Additional guidance may be obtained from a Department of Ecology publication “Focus on Irrigation Influenced Wetlands, Publication No. 10-06-015.” Or as may be amended in the future.](#)

26.60.023 Rating – Categories of wetland.

Wetlands shall be designated Category I, Category II, Category III, or Category IV according to the following criteria:

~~A. Categories I, II, III, and IV are~~ As set forth in the Washington State Department of Ecology’s Washington State Wetlands Rating System for Eastern Washington, Publication No. 04-06-030, as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System).

26.60.024 Wetland buffer areas.

A. The establishment of wetland ~~buffer areas~~ buffers shall be required for all development proposals and activities adjacent to wetlands to protect the integrity, function, and value of the wetland. Buffers shall consist of an undisturbed area of vegetation established to protect the functions and values of the wetland. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community, or the buffer should be widened to ensure that adequate functions of the buffer are provided. Buffers shall be determined in conjunction with considerations of wetland type and quality, approved wetland alterations, and required mitigation measures. Buffers are not intended to be established or to function independently of the wetland they are established to protect; the establishment of a buffer shall not operate to prevent a use or activity that would otherwise be permitted in the wetland subject to mitigation.

B. Buffers shall be measured from the wetland edge as delineated using the ~~1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and the Arid West Regional Supplement. A~~approved federal wetland delineation manual and applicable regional supplements as may be amended. Buffers shall be marked in the field. Required buffer widths shall be determined according to the proposed land use (Table 26.60.024(C)) and the wetland category (Table 26.60.024(D)).

C. The following table describes the types of land use:

Table 26.60.024(C) Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use <u>Types Based on Common Zoning Designations</u>
High	Commercial

Level of Impact from Proposed Change in Land Use	Types of Land Use <u>Types Based on Common Zoning Designations</u>
	• Urban
	• Industrial
	• Institutional
	• Retail sales
	• Residential (more than 1 unit/acre)
	• High intensity recreation (golf courses, ball fields, etc.)
	• Conversion to high intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)
	• Hobby farms
Moderate	• Residential (1 unit/acre or less)
	• Moderate intensity open space (parks with biking, jogging, etc.)
	• Paved driveways and gravel driveways serving 3 or more residences
	• Paved trails
	• Conversion to moderate intensity agriculture (orchards, hay fields, etc.)
	• Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	• Low intensity open space (hiking, bird watching, preservation of natural resources, etc.)
	• Timber management (cutting of trees only)
	• Gravel driveways serving 2 or fewer residences
	• Unpaved trails
	• Utility corridor without a maintenance road and little or no vegetation management

D. The following buffer widths are established:

Table 26.60.024(D) Wetland Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<i>Category IV Wetlands (For wetlands scoring less than 16 points for all functions)</i>		

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for all 3 basic functions is less than 16 points	Low – 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time None
<i>Category III Wetlands (For wetlands scoring 16 – 18 points for all functions)</i>		
Moderate level of function for habitat (score for habitat 5 – 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time None
*If wetland scores 8 – 9 habitat points, see Category II buffers		
Score for habitat 3 – 4 points	Low – 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time None
<i>Category II Wetlands (For wetlands that score 19 – 21 points for all functions or having the “special characteristics” identified in the rating system)</i>		
High level of function for habitat (score for habitat 8 – 9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas habitat conservation areas
Moderate level of function for habitat (score for habitat 5 – 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time None
High level of function for water quality improvement and low for habitat (score for water quality 8 – 9 points; low for habitat less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale. Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time None
<i>Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “special characteristics” identified in the rating system)</i>		
Wetlands of high conservation value	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft of wetland

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
		Restore degraded parts of buffer
High level of function for habitat (score for habitat 8 – 9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Restore degraded parts of buffer Maintain connections to other habitat areas <u>habitat conservation areas</u>
Moderate level of function for habitat (score for habitat 5 – 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time <u>None</u>
High level of function for water quality improvement (8 – 9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time <u>None</u>

26.60.025 Wetland Buffer modifications.

A. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area.
2. The buffer is increased adjacent to the higher functioning area of habitat or more environmentally sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.
3. The total area of the buffer after averaging is equal to the area required without averaging.
4. The buffer at its narrowest point is never less than either three-quarters of the required width or 75 feet for Categories I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

B. Averaging ~~for proposed land~~ to allow reasonable uses may be allowed when all of the following are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
2. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a critical areas report from a qualified wetland professional.

3. The total buffer area after averaging is equal to the area required without averaging.
4. The buffer at its narrowest point is never less than either three-quarters of the required width or 75 feet for Categories I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

C. Reduction in Buffer Width Based on Reducing the Intensity of Impacts from Proposed Land Uses.

1. The buffer widths recommended for proposed land uses with high intensity impacts to wetlands can be reduced to those recommended for moderate intensity impacts under the following conditions:

a. For wetlands that score moderate or high for habitat (five points or more for the habitat functions), the width of the buffer can be reduced if all three of the following criteria are met:

i. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. (“Relatively undisturbed” and “vegetated corridor” are defined in the Washington State Wetland Rating System for Eastern Washington – 2014 Update, or latest update.) Priority habitats in eastern Washington include:

- (A) Wetlands;
- (B) Riparian zones;
- (C) Cliffs;
- (D) Urban natural open space.

(E) Shrub-steppe habitat

ii. The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection, such as a conservation easement.

iii. Measures to minimize the impacts of different land uses on wetlands, ~~such as the examples summarized~~ as applicable in Table 26.60.025(D), are applied.

b. For wetlands that score fewer than five points for habitat, the buffer width can be reduced to that required for moderate land use impacts by applying applicable measures to minimize the impacts of the proposed land uses (see examples in Table 26.60.025(D)).

D. ~~Examples of Measures to Minimize Impacts~~ Required Mitigation to Minimize Impacts to Wetlands from Changes in Land Uses with High Impacts.

Table 26.60.025(D) Examples of Measures to Minimize Impacts to Wetlands from Changes in Land Uses with High Impacts

Examples of Disturbance Types	<u>Examples of</u> Activities and Uses that Cause Disturbances	<u>Examples of Measures to Minimize Impacts</u> <u>Required Mitigation</u>
Lights	• Parking lots • Warehouses • Manufacturing • Residential areas	• Direct lights away from wetland
Noise	• Manufacturing • Residential areas	• Locate activity that generates noise away from wetland • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-ft. heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
Toxic runoff*	• Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping	• Route all new, untreated runoff away from wetland, while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	• Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • <u>Use low-impact development techniques</u>
Change in water regime	• Impermeable surfaces • Lawns • Tilling	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Residential areas	• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	• Tilled fields	• Use BMPs to control dust

Examples of Disturbance Types	Examples of Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts Required Mitigation
* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

E. The ~~minimum~~ buffer width stated in Table 26.60.024(D), Wetland Buffer Widths, shall be increased when the qualified ~~consultant~~ professional determines, based upon a site-specific wetland analysis, that impacts on the wetland from a proposed development can only be mitigated by a greater buffer width. The standard wetland buffer width shall be increased:

1. When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or
2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or
3. When the wetland provides habitat for a species that is particularly sensitive to disturbance (listed by the federal government or the state as endangered, threatened, candidate, monitored or documented priority species or habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees), the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs; or
4. When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be ~~increased by 50 percent.~~ The greater of either:
 - a. The minimum buffer for that particular wetland; or
 - b. Twenty-five (25) feet beyond the point where slopes become 25% or less.

F. Low impact land uses and activities (see Table 26.60.024(C)) that are consistent with the purpose and function of the wetland buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the wetland. Examples of uses and activities that may be permitted in appropriate cases, based on guidance in the Wetlands ~~and CAO Guidance for Small Cities, Eastern Washington version (dated January 2010, revised October 2012, as may be Guidance for CAO updates, June 2016, publication No. 16-06-002 and as~~ amended in the future), include pervious pedestrian trails, viewing platforms, normal and routine maintenance of existing stormwater management facilities such as grass-lined swales, and utility easements provided the maintenance and repair does not increase the footprint or use of the facility or right-of-way. Uses permitted within the buffer shall be located in the outer portion of the buffer as far as possible from the wetland.

G. A variance from buffer width requirements may be granted by the city of Richland [Hearing Examiner following a Type II procedure and payment of a fee as set forth in RMC Title 19](#) upon a demonstration by the applicant that the shoreline variance criteria are met per RMC 26.50.060.

H. Signs and Fencing of Wetlands and Buffers.

1. Temporary Markers. The outer perimeter of the wetland buffer and the clearing limits identified in an approved permit or land use approval shall be marked in the field with temporary “clearing limits” fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the administrator prior to the commencement of permitted activities. Temporary marking shall be maintained throughout completion of all construction activities.

2. Permanent Signs. As a condition of any permit or land use approval, the administrator may require the applicant to install permanent signs along the boundary of a wetland or its buffer. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post. Signs, when required, shall be posted at an interval of one every 50 feet or one per lot if a lot is less than 50 feet wide and must be maintained by the property owner in perpetuity. Wording of the sign shall note the presence of a protected wetland area and/or wildlife habitat. Specific wording of the sign shall be approved by the administrator.

3. Fencing.

a. The applicant shall be required to install a permanent fence around the wetland or its buffer when domestic grazing animals are present or may be introduced on site.

b. Fencing installed as part of a proposed activity or as required by the administrator shall be designed so as not to interfere with species migration and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

26.60.026 Wetland alteration and mitigation.

A. All adverse impacts to wetland functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the ~~following~~ priority sequence per RMC 26.20.020(B), Ecological functions, no net loss (mitigation sequence).

B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this section. These shall include consideration of alternative site plans and building layouts and/or reduction in the density or scope of the proposal.

C. Alteration of wetlands and/or their buffers may be permitted by the ~~city~~ [Administrator](#) subject to the following criteria:

1. Category I Wetlands. Alterations of Category I wetlands shall be avoided.

2. Category II, III & IV Wetlands.

- a. Any proposed alteration and mitigation shall comply with the requirements of this section through RMC 26.60.02830, Mitigation standards, criteria, ~~and~~ plan requirements, and design standards for wetlands mitigation planning; and
- b. No net loss of wetland function and value will occur due to the alteration; and

~~3. Category III Wetlands.~~

- ~~a. The proposed mitigation complies with the requirements of this section through RMC 26.60.028, Mitigation standards, criteria, and plan requirements avoids alterations of wetlands previously enhanced or created as mitigation; and~~
- ~~b.c.~~ Where enhancement is proposed, replacement ratios comply with the requirements of RMC 26.60.028(C), Wetland Replacement Ratios; and
- d. Avoids alterations of wetlands previously enhanced or created as mitigation.

26.60.027 Stormwater runoff.

New development within 150 feet of a wetland buffer shall contain stormwater runoff within the developed portions of the site. No stormwater runoff shall drain into the wetland. Deviations from this standard may be approved by the ~~city~~ Administrator; provided, that a study undertaken by a qualified ~~consultant~~ professional in accordance with the provisions of RMC 26.60.028 indicates that the potential discharge of stormwater runoff from a development site into a wetland is adequately mitigated to protect the functions and values of the wetland. In the case of a Category III or Category IV wetland, stormwater management facilities may be located within the outer 25 percent of the required wetland buffer; provided, that a determination is made that no other location is feasible and the location of such facilities will not have an adverse impact on the functions and values of the wetland.

Streamflows that are influenced by irrigation practices are not considered stormwater runoff for the purposes of this chapter.

26.60.028 Mitigation standards, criteria, and plan requirements.

~~A. Location and Timing of Mitigation.~~

~~1. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same subdrainage basin and on the site of the alteration except when all of subsections (A)(1)(a) through (d) of this section apply. In that case, mitigation may be allowed off site within the subwatershed of the impact site. When considering off site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.~~

- ~~a. There are no reasonable opportunities on site or within the subdrainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or~~

~~opportunities on-site or within the subdrainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).~~

~~b. On-site mitigation would require elimination of high-quality upland habitat.~~

~~c. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.~~

~~d. Off-site locations shall be in the same subdrainage basin unless:~~

~~i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site.~~

~~ii. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.~~

~~2. Timing of Compensatory Mitigation. It is desirable that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.~~

~~3. The administrator may authorize a one-time, temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the~~

~~health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the city.~~

~~B. Mitigation Performance Standards.~~

~~1. Adverse impacts to wetlands functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RMC 26.20.020, Ecological functions, no net loss. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:~~

~~a. All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland. Describe how preferred order of wetlands mitigation was followed: (i) restoration (including reestablishment and rehabilitation); (ii) creation (establishment); (iii) enhancement in combination with restoration or creation; and (iv) preservation of high-quality, at-risk wetlands.~~

~~b. Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible, and shall achieve equivalent or greater wetland ecological functions.~~

~~c. No overall net loss will occur in wetland functions and values.~~

~~d. The restored, created, or enhanced wetland will be as persistent and sustainable as the wetland it replaces.~~

~~C. Wetland Replacement Ratios.~~

~~1. Where wetlands alterations are permitted by the city, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors, and projected success of restoration or creation.~~

~~2. The following acreage replacement ratios shall be applied:~~

~~Table 26.60.028. Mitigation Ratios for Eastern Washington¹~~

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only²	Reestablishment or Creation (R/C) and Rehabilitation (RH)²	Reestablishment or Creation (R/C) and Enhancement (E)²	Enhancement Only²
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only²	Reestablishment or Creation (R/C) and Rehabilitation (RH)²	Reestablishment or Creation (R/C) and Enhancement (E)²	Enhancement Only²
Forested					
Category II Vernal Pool	2:1 Replacement must be seasonally ponded wetland	4:1 Replacement must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All Other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Wetland of High Conservation Value	Not considered possible ³	6:1 Rehabilitation of a natural heritage site	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case
Category I Alkali	Not considered possible ³	6:1 Rehabilitation of an alkali wetland	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case
Category I Bog	Not considered possible ³	6:1 Rehabilitation of a bog	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case

1. ~~Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1b, Wetland Mitigation in Washington State—Part 1: Agency Policies and Guidance—Version 1 (Ecology Publication No. 06-06-011a, Olympia, WA, March 2006, or as revised).~~

2. ~~These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.~~

3. ~~Natural heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.~~

Reference:

~~—Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State—Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication No. 06-06-011a, Olympia, WA.~~

~~3. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006), the administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report” (Ecology Publication No. 11-06-015, August 2012, or as revised).~~

A. Types of Compensatory Mitigation. Mitigation for lost or diminished wetland and buffer functions shall rely on a type listed below in order of preference. A lower preference form of mitigation shall be used only if the applicant’s qualified wetland professional demonstrates to the satisfaction of the administrator that all higher-ranked types of mitigation are not viable, consistent with the criteria in this section.

1. Restoration. Restoration is divided into:

a. Reestablishment.

b. Rehabilitation.

2. Creation (Establishment). If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the administrator may authorize creation of a wetland and buffer upon demonstration by the applicant’s qualified wetland professional that:

a. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;

b. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light or other impacts); and

c. The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.

3. Enhancement. Applications proposing to enhance wetland or associated buffers shall demonstrate how the proposed enhancement will increase the wetland’s buffer’s functions,

how this increase in function will adequately compensate for the impacts, and how existing wetland functions at the mitigation site will be protected.

4. Protection/Maintenance (Preservation). Permanent protection of a Category I or II wetland and associated buffer at risk of degradation can be used only if:

a. The administrator determines that the proposed preservation is the best mitigation option;

b. The proposed preservation site is under threat of undesirable ecological change due to permitted, planned, or likely actions that will not be adequately mitigated under existing regulations;

c. The area proposed for preservation is of high quality or critical for the health of the watershed or basin due to its location. Some of the following features may be indicative of high-quality sites:

i. Category I or II wetland rating (using the wetland rating system for Eastern Washington);

ii. Rare or irreplaceable wetland type or aquatic habitat that is rare or a limited resource in the area;

iii. The presence of habitat for priority or locally important wildlife species;

iv. Provides biological and/or hydrological connectivity;

v. Priority sites in an adopted watershed plan.

d. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by an appropriate natural land resource manager, such as a land trust;

e. The administrator may approve other legal and administrative mechanisms in lieu of a conservation easement if determined to be adequate to protect the site;

f. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being impacted and the quality of the wetlands being preserved. Ratios for preservation as the sole means of mitigation generally start at 20:1.

B. Location and Timing of Mitigation.

1. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same subdrainage basin and on the site of the alteration except when

all of subsections (B)(1)(a) through (d) of this section apply. In that case, mitigation may be allowed off site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.

a. There are no reasonable opportunities on site or within the subdrainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the subdrainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).

b. On-site mitigation would require elimination of high-quality upland habitat.

c. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.

d. Off-site locations shall be in the same subdrainage basin unless:

i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site.

ii. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source[s] and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

2. Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or

occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

3. The administrator may authorize a one-time, temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the administrator.

C. Mitigation Performance Standards.

1. Adverse impacts to wetlands functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RMC 26.60.026. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

a. All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland, including a description of how preferred order of wetlands mitigation was followed: (i) restoration (including reestablishment and rehabilitation); (ii) creation (establishment); (iii) enhancement in combination with restoration or creation; and (iv) preservation of high quality, at-risk wetlands;

b. Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible, and shall achieve equivalent or greater wetland ecological functions;

c. No overall net loss will occur in wetland functions and values; and

d. The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

D. Wetland Replacement Ratios.

1. Where wetlands alterations are permitted by the administrator, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors, and projected success of restoration or creation.

2. The following acreage replacement ratios shall be applied:

Table 26.60.028(D) Mitigation Ratios for Eastern Washington¹

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only ²	Reestablishment or Creation (R/C) and Rehabilitation (RH) ²	Reestablishment or Creation (R, C) and Enhancement (E) ²	Enhancement Only ²
<u>All Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 1:1 RH</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>
<u>All Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 2:1 RH</u>	<u>1:1 R/C and 4:1 E</u>	<u>8:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C and 4:1 RH</u>	<u>1:1 R/C and 8:1 E</u>	<u>12:1</u>
<u>Category I based on score for functions</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 6:1 RH</u>	<u>1:1 R/C and 12:1 E</u>	<u>16:1</u>
<u>Category I natural heritage site</u>	<u>Not considered possible³</u>	<u>Case-by-case</u>	<u>R/C not considered possible³</u>	<u>R/C not considered possible³</u>	<u>Case-by-case</u>

¹ Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1, (Ecology Publication No. 06-06-011a, Olympia, WA, March 2006 or as revised).

² These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

³ Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

Reference:

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication No. 06-06-011a. Olympia, WA.

3. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006, or as

revised), the administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report” (Ecology Publication No. 11-06-015, August 2012, or as revised).

26.60.029 Wetland mitigation plan requirements.

Where it is determined by the ~~city~~ [Administrator](#) that compensatory wetland mitigation is required or appropriate, a mitigation plan shall be prepared consistent with the provisions below and shall also meet the minimum requirements contained in the Wetlands [Guidance for and CAO Guidance for Small Cities, Eastern Washington version \(dated January 2010, revised October 2012, CAO Updates: Eastern Washington, June 2016., Publication No. 16-06-002](#) and as amended in the future). The purpose of the plan is to prescribe mitigation to compensate for impacts to the wetland functions, values, and acreage as a result of the proposed action. This plan shall consider the chemical, physical, and biological impacts on the wetland system using a recognized wetlands assessment methodology and/or best professional judgment. The mitigation plan shall be prepared in two phases, a conceptual phase and a detailed phase.

A. Conceptual Plan – Standards and Criteria. The applicant shall prepare a conceptual mitigation plan for submission to the ~~city~~ [Administrator](#) at a pre-mitigation conference. The conceptual mitigation plan shall include:

1. General goals of the mitigation plan;
2. A review of literature or experience to date in restoring or creating the type of wetland proposed;
3. Location of proposed wetland compensation area;
4. General hydrologic patterns on the site following construction;
5. Nature of compensation, including wetland types (in-kind), general plant selection and justification, approximate project sequencing and schedule, and approximate size of the new wetland buffer;
6. A conceptual maintenance plan; and
7. A conceptual monitoring and contingency plan.

B. Detailed Plan – Standards and Criteria. Following acceptance of the conceptual mitigation plan by the ~~city~~ [Administrator](#), the applicant will prepare a detailed mitigation plan. Each detailed plan shall contain, at a minimum, the following [seven](#) components, and shall be consistent with the standards in RMC 26.60.023 through 26.60.028:

~~1. A clear statement of the objectives of the mitigation. The goals of the mitigation plan should be stated in terms of the new wetland functions and values compared to the functions and values of the original wetland.~~

~~2. Qualitative and quantitative standards for success of the project, including hydrologic characteristics (water depths, water quality, hydroperiod/hydrocycle characteristics, flood storage capacity); vegetative characteristics (community types, species composition, density, and spacing); faunal characteristics, and final topographic elevations.~~

~~3. An ecological assessment of the wetland values and wetland buffers that will be lost as a result of the activities, and of the replacement wetlands and buffers, including, but not limited to, the following:~~

- ~~a. Acreage of project;~~
- ~~b. Existing functions and values;~~
- ~~c. Sizes of wetlands, wetland buffers, and areas to be altered;~~
- ~~d. Vegetative characteristics, including community type, areal coverage, species composition, and density;~~
- ~~e. Habitat type(s) to be enhanced, restored, or created; and~~
- ~~f. Dates for beginning and completion of the mitigation project, and sequence of construction activities.~~

~~4. A statement of the location, elevation, and hydrology of the new site, including the following:~~

- ~~a. Relationship of the project to the watershed and existing water bodies;~~
- ~~b. Topography of the site using the smallest readily available intervals, preferably one-foot contour intervals but two-foot is acceptable;~~
- ~~c. Water level data, including depth and duration of seasonally high water table;~~
- ~~d. Water flow patterns;~~
- ~~e. Grading, filling and excavation, including a description of imported soils;~~
- ~~f. Irrigation requirements, if any;~~
- ~~g. Water pollution mitigation measures during construction;~~
- ~~h. Areal coverage of planted areas to open water areas (if any open water is to be present); and~~
- ~~i. Appropriate buffers.~~

~~5. A planting plan describing what will be planted, and where and when the planting will occur, as follows:~~

- ~~a. Soils and substrate characteristics;~~
- ~~b. Specify substrate stockpiling techniques; and~~
- ~~c. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements.~~
- ~~6. A monitoring and maintenance plan consistent with RMC 26.60.031.~~
 - ~~a. Specify procedures for monitoring and site maintenance, including control of invasive species; and~~
 - ~~b. Submit monitoring reports to the city.~~
- ~~7. A contingency plan consistent with these regulations.~~
- ~~8. A detailed budget for implementation of the mitigation plan, including monitoring, maintenance, and contingency phases.~~
- ~~9. A guarantee, in the form of a bond or other security device in a form and amount acceptable to the city attorney, assuring that the work will be performed as planned and approved, consistent with these regulations and including monitoring, maintenance and contingency.~~

1. A clear statement of the objectives of the mitigation. The goals of the mitigation plan should be stated in terms of the new wetland functions and values compared to the functions and values of the original wetland. Objectives shall include:

a. Qualitative and quantitative standards for success of the project, including hydrologic characteristics (water depths, water quality, hydroperiod/hydrocycle characteristics, flood storage capacity); vegetative characteristics (community types, species composition, density, and spacing); faunal characteristics, and final topographic elevations.

b. An ecological assessment of the wetland values and wetland buffers that will be lost as a result of the activities, and of the replacement wetlands and buffers, including but not limited to the following:

i. Acreage of project;

ii. Existing functions and values;

iii. Sizes of wetlands, wetland buffers, and areas to be altered;

iv. Vegetative characteristics, including community type, areal coverage, species composition, and density;

v. Habitat type(s) to be enhanced, restored, or created; and

vi. Dates for beginning and completion of the mitigation project, and sequence of construction activities.

2. A statement of the location, elevation, and hydrology of the new site, including the following:

a. Relationship of the project to the watershed and existing water bodies;

b. Topography of site using the smallest readily available intervals, preferably one-foot contour intervals but two-foot are acceptable;

c. Water level data, including depth and duration of seasonally high water table;

d. Water flow patterns;

e. Grading, filling and excavation, including a description of imported soils;

f. Irrigation requirements, if any;

g. Water pollution mitigation measures during construction;

h. Areal coverage of planted areas to open water areas (if any open water is to be present); and

i. Appropriate buffers.

3. A planting plan, describing what will be planted, and where and when the planting will occur, as follows:

a. Soils and substrate characteristics;

b. Specify substrate stockpiling techniques; and

c. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements.

4. A monitoring and maintenance plan, consistent with RMC 26.60.031.

a. Specify procedures for monitoring and site maintenance including control of invasive species; and

b. Submit monitoring reports to the administrator.

5. A contingency plan, consistent with these regulations.

6. A detailed budget for implementation of the mitigation plan, including monitoring, maintenance and contingency phases.

7. A guarantee, in the form of a bond or other security device in a form and amount acceptable to the city attorney, assuring that the work will be performed as planned and approved, consistent with these regulations, including monitoring, maintenance and contingency.

26.60.030 Performance Design standards for wetlands mitigation planning.

A. The following performance standards shall be incorporated into mitigation plans submitted to the city of Richland:

1. Plants should be indigenous to the region (not introduced or foreign species);
2. Plants should be adaptable to a broad range of water depths;
3. Plants should be commercially available or available from local sources;
4. Plant species high in food and cover value for fish and wildlife are recommended, when possible;
5. Plants should be mostly perennial species;
6. Avoid committing significant areas of the site to species that have questionable potential for successful establishment;
7. Plant selection must be approved by a wetlands biologist/ecologist;
8. Water depth is not to exceed six and one-half feet (two meters);
9. The grade or slope that water flows through the wetland is not to exceed six percent;
10. Slopes within the wetland basin and the buffer zone should not be steeper than 3:1 (horizontal to vertical);
11. The substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals, or solid/hazardous wastes) inorganic/organic materials;
12. Planting densities and placement of plants should be determined by a qualified professional and shown on the design plans;
13. The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark;
14. Minimum buffer widths should extend from the wetland boundary in accordance with buffer requirements in Table 26.60.024(D), Wetland Buffer Widths, for the proposed category rating of the wetland that will be created;

15. The planting plan must be approved by the ~~community development director~~ Administrator, or designee, or consultant qualified professional acting on behalf of the city;

16. Stockpiling should be confined to upland areas, and contract specifications should limit stockpile durations to less than four weeks; Any area designated as open space shall not be used to stockpile material;

17. Planting instructions which describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;

18. Apply controlled release fertilizer, if reasonable and prudent, at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process);

19. Install an irrigation system, if necessary, for initial establishment period; and

20. Construction specifications and methods must be approved by a qualified ~~consultant~~ professional and the ~~city~~ Administrator.

B. On completion of construction, the wetland mitigation project must be signed off by the applicant's qualified ~~consultant~~ professional and the ~~city~~ Administrator. Signature will indicate that the construction has been completed as planned and all design elements have been fully and correctly implemented. If there have been changes in the implementation of the plan, a written explanation from the ~~consulting biologist~~ qualified professional must be included.

26.60.031 Wetland monitoring program and contingency plan.

A. A monitoring program shall be implemented to determine the success of the mitigation project and any necessary corrective actions. This chapter shall determine if the original goals and objectives are being met.

B. A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. A performance and maintenance bond or other acceptable security device is required to assure the applicant's compliance with the terms of the mitigation agreement. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years. The ~~city~~ Administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

~~C. During monitoring, scientific procedures for establishing the success or failure of the project must be used.~~

~~D. For vegetation determinations, permanent sampling points shall be established.~~

~~E. Shrub and tree vegetation success can be defined as 80 percent survival of the original number of plants planted, with the following beginning density of vegetation planted: trees planted on 10-foot centers, with shrubs planted on three to five foot centers underneath and between the trees. Percent cover goals that mimic local natural healthy reference wetlands can be established for percent cover goals at year five as an alternative to percent survival goals.~~

~~F. Submit monitoring reports on the current status of the mitigation project to the city. The reports are to be prepared by a qualified consultant and reviewed by the city's consultant and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:~~

- ~~1. At the time of construction;~~
- ~~2. Thirty days after planting;~~
- ~~3. Early in the growing season of the first year;~~
- ~~4. End of the growing season of the first year;~~
- ~~5. Twice the second year; and~~
- ~~6. Annually thereafter.~~

~~G. Monitor for five growing seasons. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.~~

~~H. If necessary, correct for failures in the mitigation project.~~

~~I. Replace dead or undesirable vegetation with appropriate plantings based on the approved planting plan or RMC 26.60.029.~~

~~J. Repair damages caused by erosion, settling, or other geomorphological processes.~~

~~K. Redesign mitigation project (if necessary) and implement the new design.~~

~~L. Correction procedures shall be approved by a qualified consultant and the city.~~

C1. During monitoring, scientific procedures for establishing the success or failure of the project must be used and shall be identified in the monitoring plan;

D2. For vegetation determinations, permanent monitoring transects or plots shall be established that adequately represent the compensatory mitigation site;

E3. Vegetative success in the compensatory mitigation wetland will be defined as:

1a. An average density of at least four plants per 100 square feet in the scrub-shrub and forested communities in year one;

2b. A cover of native wetland trees and shrubs combined (planted and volunteer) of at least 10 percent in year three; 25 percent in year five; 40 percent in year seven; 50 percent in year 10;

3e. A cover of native wetland herbaceous plant species (planted and volunteer) of at least 25 percent in year five; 40 percent in year seven and 50 percent in year 10;

4d. Nonnative invasive species must be controlled per site-specific specifications and shall not exceed the maximum amount as identified in the approved monitoring plan;

5e. Buffer vegetation shall be maintained in the amount as identified in the approved monitoring plan;

F4. Submit monitoring reports on the current status of the mitigation project to the administrator. The reports are to be prepared by a qualified professional and reviewed by the administrator and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced for years one, two, three, four, seven and 10. Monitoring reports shall incorporate hydrology standards to ensure the required wetland habitat and buffer areas are established and functioning and shall detail the minimum number of days during the growing season when soils must remain inundated or saturated to the ground surface;

G5. Monitor for 10 growing seasons. If the mitigation goals are obtained within the initial five-year period, no further monitoring will be required;

H6. If necessary, correct for failures in the mitigation project;

I7. Replace dead or undesirable vegetation with appropriate plantings, based on the approved planting plan or RMC 26.60.030;

J8. Repair damages caused by erosion, settling, or other geomorphological processes;

K9. Redesign mitigation project (if necessary) and implement the new design;

L10. Correction procedures shall be approved by a qualified professional and the administrator; and

M11. The area where the mitigation occurred and any associated buffer shall be located in a critical area tract, a conservation easement or similar legal instrument as approved by the administrator to ensure the future protection of the mitigation site.

26.60.032 Unauthorized alterations and enforcement.

~~A. When a wetland or its buffer has been altered in violation of this chapter, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a "stop-work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.~~

~~B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared by the owner or responsible party and approved by city. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles, and shall describe how the actions proposed meet the minimum requirements described in subsection (C) of this section. The administrator shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.~~

~~C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland; provided, that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:~~

- ~~1. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.~~
- ~~2. The historic soil types and configuration shall be restored to the extent practicable.~~
- ~~3. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.~~
- ~~4. Information demonstrating compliance with other applicable provisions of this chapter shall be submitted to the administrator.~~

~~D. Site Investigations. The administrator is authorized to make site inspections and take such actions as necessary to enforce this chapter. The administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.~~

~~E. Penalties. See RMC 26.60.084(B).~~

~~F. If the wetland affected cannot be restored, money from any associated penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The city may coordinate its preservation or restoration activities with others to optimize the effectiveness of the restoration action.~~

Article III. Fish and Wildlife Habitat Conservation Areas

26.60.040 ~~Exemption~~ Exceptions from fish and wildlife habitat conservation regulations.

A. See RMC ~~22.10.360~~ 26.60.080 for general ~~exemptions~~ exceptions to all critical areas.

A.B. The following activities shall not be ~~exempt from~~ subject to the provisions of this chapter related to fish and wildlife habitat, provided they are conducted using best management practices:

1. Activities involving artificially created habitat, including, but not limited to, grass-lined swales, irrigation and drainage ditches, and detention facilities such as reservoirs, ponds, and landscape features, except for habitat conservation areas created as mitigation.

~~BC.~~ Notwithstanding the ~~exemption exceptions~~ provided by this section, any otherwise ~~exempt~~ excepted activities occurring in or near critical habitat conservation areas shall comply with the intent of these standards and shall consider on-site alternatives that avoid or minimize potential habitat impacts and shall consider the timing of excepted work to minimize disturbances to wildlife including disturbance to migratory bird nesting sites.

26.60.041 Fish and wildlife habitat conservation areas ~~inventory maps.~~

~~The approximate location and extent of habitat areas within the city of Richland's planning area are shown on the maps adopted as part of this program, as provided in the city's SMP inventory, analysis and characterization report. These maps shall be used as a general guide only for the assistance of property owners and other interested parties as boundaries are generalized. The actual type, extent, and boundaries of habitat areas shall be determined by a qualified professional according to the procedures, definitions, and criteria established by this program. In the event of any conflict between the habitat location or type shown on the city of Richland's maps and the criteria or standards of this program, the criteria and standards resulting from the field investigation shall control.~~

A. Fish and wildlife habitat conservation areas include the following:

1. Areas where state or federal designated endangered, threatened, and critical species have a primary association.

a. Federal designated endangered and threatened species are those fish, wildlife and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.

b. State designated endangered, threatened and critical species are those fish, wildlife and plant species native to the state of Washington identified by the State Department of Fish and Wildlife and/or State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. The state of Washington's Department of Fish and Wildlife and/or Natural Heritage Program maintains the most current listings and should be consulted as necessary for current state listing status.

2. State priority habitats and areas associated with state priority species.

a. State of Washington priority habitats and species are considered priorities for conservation and management. The state of Washington's Department of Fish and Wildlife should be consulted for current listing of priority habitats and species.

3. Habitats and species of local importance. The city of Richland hereby adopts by reference those priority habitats and species considered priorities for conservation and management identified by the State Department of Fish and Wildlife and State of Washington Natural Heritage Program as now exist or as may be amended.

4. In addition to the priority habitats and species recognized by WDFW and/or State of Washington Natural Heritage Program, a process is provided for listing other habitats and species that are important locally to the people of Richland. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, city staff, nonprofit organization or interested citizen. Any such request shall be in writing and shall include:

a. The common and scientific name for a species under consideration;

b. Habitat location on a map (scale 1:24,000);

c. Demonstrate a need for special consideration based upon best available science and considering:

i. Declining or increasing population;

ii. Sensitivity to habitat manipulation; or

iii. Commercial or game value or other special value, such as public appeal;

d. Habitat management recommendations, including potential uses and restrictions of the habitat conservation areas, seasonally critical areas and other guidelines necessary for the protection of the species;

e. Reasons for the species/habitat to be designated;

f. Name and address of the nominator, along with a list of property owners and mailing addresses for each property mapped as containing habitat and/or species;

g. Other supporting documentation (as determined by the administrator);

h. SEPA checklist;

i. Fee as established by the city of Richland fee schedule.

Submitted proposals shall be reviewed by city staff as a Type IV legislative action pursuant to RMC 19.20.010(D)(2) and Chapter 19.90 RMC. Suggested amendments to this section of the critical areas regulations shall result in amendment no more often than once each calendar year with the deadline for submittal being January 31st. Copies of the proposal shall be submitted to WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies as part of the public comment period. Approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this chapter afforded other priority habitats and species;

5. The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151;

6. The Yakima River Delta area, including Lake Wallula wildlife habitat conservation areas currently managed by the U.S. Army Corps of Engineers, the Chamna Natural Preserve, Bateman Island;

7. The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;

8. Amon Creek Natural Preserve;

9. Badger Mountain Natural Preserve;

10. Category I wetlands as defined in RMC 26.60.023;

11. State nature area preserves or natural resource conservation areas and state wildlife areas;

12. Documented habitat, other than accidental presence, of threatened or endangered species;

13. Documented habitat, other than accidental presence, of regional or national significance for migrating birds;

14. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

15. Waters of the state;

16. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

B. Fish and wildlife habitat conservation areas are intended to:

1. Create a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces, integrating with open space corridor planning where appropriate;

2. Limit the level of human activity within such areas that is appropriate for certain areas and habitats, including presence of roads and level of recreation type (passive or active recreation);

3. Protect riparian ecosystems including potential for restoring lost or impaired salmonid habitat;

4. Evaluate land uses that may negatively impact these areas, or conversely, that may contribute positively to their function;

5. Establish buffer zones around these areas to separate incompatible uses from habitat conservation areas;

6. Establish or enhance nonregulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

26.60.042. Fish and wildlife habitat conservation ~~buffer~~ areas buffers.

A. The establishment of buffer areas shall be required for regulated activities in or adjacent to fish and wildlife habitat conservation areas including riparian areas and habitat areas located upland and within the shoreline jurisdiction. ~~Buffer~~ Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions, and values of the affected habitat. Enhancement of buffers may be required if a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community.

B. ~~The following buffer widths are established:~~ Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26(Table 26.60.042) and wetland buffer requirements as established in RMC 26.60.024.”

Table 26.60.042. Riparian Buffer Width

<u>Environment Designation (Regulatory Reaches)</u> Regulatory Reach (See Environment Designation with Regulatory Reaches Map)	<u>Minimum Riparian Buffer Width</u> Riparian-Buffer Width (Feet) ^{1, 2, 4}
A, C, I, T	50
B, U and all other natural environment designation areas within various regulatory reaches except Reach Q	Entire shoreline jurisdiction
D, N, O, P	75 except where roadway, canal, paved trail or parking area encroaches, and then waterward edge of facility maintenance area, as applicable

<u>Environment Designation (Regulatory Reaches) Regulatory Reach (See Environment Designation with Regulatory Reaches Map)</u>	<u>Minimum Riparian Buffer Width Riparian Buffer Width (Feet)^{1, 2, 4}</u>
E, F	100
G, I	75 except where roadway, canal, levee, paved trail or parking area encroaches, and then waterward edge of facility maintenance area, as applicable
H, J, K	100 except where roadway, canal, levee, paved trail or parking area encroaches, and then waterward edge of facility maintenance area, as applicable
L, Q, S	Waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
M	50 or waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
R	From the OHWM to the federal/private property boundary line³
<u>Natural (including J, Q, U, natural parts of K, S, island i.e., natural part of D)</u>	<u>Entire shoreline jurisdiction</u>
<u>Recreation Conservancy (A, B, F, H, I, recreation conservancy parts of K, L, M, N)</u>	<u>Entire shoreline jurisdiction</u>
<u>Split Recreation Conservancy/Residential (Part of S)</u>	<u>Entire shoreline jurisdiction (south of Battelle Blvd)</u>
<u>Split Recreation Conservancy/Residential (Part of S)</u>	<u>Waterward of existing private property boundary that is landward of the pedestrian path (north of Battelle Blvd)</u>
<u>Rural (C, D except for the island, E)</u>	<u>200</u>
<u>Industrial Conservancy (T)</u>	<u>200</u>
<u>Residential (Part of P)</u>	<u>Waterward of levee</u>
<u>Residential (R)</u>	<u>200 or from the OHWM to the federal/private property boundary line³ (~75 ft)</u>
<u>Residential (part of G)</u>	<u>200 or waterward of current private property boundary</u>
<u>Recreation Conservancy (part of G)</u>	<u>Entire shoreline jurisdiction</u>
<u>Waterfront (O, waterfront part of L)</u>	<u>100</u>
<u>Recreation (P, recreation part of M, N)</u>	<u>200</u>

(1) Measured from the OHWM or top of bank, as applicable.

(2) Accompanied by other ~~sensitive~~ critical area protections and stormwater management measures, as applicable.

(3) Administrative buffer adjustments do not apply. Buffer can be widened, if applicable, or other protection provisions related to geologic hazards can be applied.

(4) [See RMC 26.60.080 for exceptions.](#)

C. [Buffers required for fish and wildlife habitat protection when upland of riparian areas](#) ~~Buffers~~ shall [also](#) be measured, on a horizontal plane, from the OHWM as delineated by a qualified consultant. Required buffer widths [for non-riparian habitat areas](#) shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. [These buffers](#) shall be determined by the city based on information in the ~~wildlife report~~ [fish and wildlife habitat conservation report](#) supplemented by its own investigations, the sensitivity and value of the habitat areas, the intensity and design of the proposed use, and adjacent uses and activities.

D. Administrative ~~Buffer~~ Adjustments [of Fish and Wildlife Habitat Conservation Area Buffers](#):

1. The required [fish and wildlife habitat conservation area](#) buffer widths, [including the riparian buffer widths](#) established in this [chapter of the](#) shoreline master program may be modified by the administrator for a development on existing legal lots of record in place at the time of adoption of this program in accordance with the provisions of this section, only where the applicant demonstrates all of the following:

- a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property, and no feasible alternative exists;
- b. The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation [and the buffer is increased adjacent to the higher functioning area of habitat](#);
- c. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;
- d. The minimum buffer width at its narrowest point shall not be less than 75 percent of the buffer width established under this program; and
- e. The buffer width averaging does not result in a net loss of ecological function.

2. Standard Buffer Reduction. Reductions of up to 25 percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the administrator that a mitigation plan developed by a qualified professional indicates that enhancing the buffer (by removing invasive plants or impervious surfaces; [and](#) planting native vegetation; [and](#) ~~or~~ installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.

3. In-Fill Development. In an effort to facilitate in-fill development in approved plats, the city may approve requests to reduce the standard ~~shoreline~~ [fish and wildlife habitat conservation area](#) buffers up to a maximum of 50 percent for a new single-family residence and appurtenant structures in accordance with the following criteria:

a. Where there are single-family residences within 150 feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the greater of one of the following three options: (i) a common line drawn between the nearest corners of the nearest residence; (ii) a common line calculated by the average of the nearest residence's existing buffer; or (iii) a 50 percent reduction of the standard buffer.

b. Where there is only a residence located within 150 feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as: (i) the greater of a common line drawn between the nearest corner of the nearest residence and the nearest point of the standard buffer on the adjacent vacant lot; (ii) a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot; or (iii) a 50 percent reduction of the standard buffer.

E. The buffer width stated in subsection (B) of this section shall be increased when the ~~qualified consultant~~ administrator determines, based upon a site-specific habitat analysis by a qualified professional, that impacts on the habitat from a proposed development can only be mitigated by a greater buffer width. The standard ~~habitat riparian~~ buffer width shall be increased:

1. When the adjacent land is susceptible to severe erosion, and erosion control measures will not effectively prevent adverse habitat impacts; or

2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or

3. When the ~~wetland~~ area provides habitat for a species that is particularly sensitive to disturbance (listed by the federal government or the state as endangered, threatened, candidate, monitored or documented priority species or habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees), the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs; or

4. When the minimum buffer for a habitat extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

a. The minimum buffer for that particular habitat; or

b. Twenty-five feet beyond the point where the slope becomes 25 percent or less.

F. Low impact land uses and activities which are consistent with the purpose and function of the ~~habitat~~ buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved. Examples of uses and activities which may be permitted in appropriate cases include pervious pedestrian trails, viewing platforms, ~~stormwater management facilities such as grass-lined swales~~ and utility easements.

26.60.043 Fish and wildlife habitat ~~alteration~~ conservation area inventory maps.

To determine the location and extent of fish and wildlife habitat conservation areas, the city shall use best available science, including current information contained in priority habitats and species maps as maintained by the Washington State Department of Fish and Wildlife. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of habitat conservation areas shall be determined by a qualified professional according to the procedures, definitions, and criteria established by this article. In the event of any conflict between the habitat location or type shown on maps and the criteria or standards of this article, the criteria and standards resulting from the field investigation shall control.

Recovery plans and management recommendations for many of these species are available from the United States Fish and Wildlife Service, the National Marine Fisheries Service and the Washington State Department of Fish and Wildlife. Additional information is also available from the Washington State Department of Natural Resources, Natural Heritage Program, and Aquatic Resources Program.

It is also possible that unmapped areas may include priority habitats or species (PHS), endangered, threatened or critical (ETS) species, or habitats and species of local importance (HSLI). If such a species is known to exist within an unmapped area, the type, extent and boundaries of this area shall be determined by a qualified professional.

26.60.044 Requirements for Fish and wildlife habitat conservation area reports. **~~performance standards and incentives.~~**

~~A. The performance standards and criteria contained in this section shall be incorporated into plans submitted for regulated activities and shall:~~

- ~~1. Consider habitat in site planning and design;~~
- ~~2. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;~~
- ~~3. Integrate retained habitat into open space and landscaping, consistent with the provisions of all open space and landscaping requirements;~~
- ~~4. Consolidate habitat and vegetated open space in contiguous blocks where feasible;~~
- ~~5. Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;~~
- ~~6. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;~~

~~7. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;~~

~~8. Remove and/or control any noxious or undesirable species of plants and animals;~~

~~9. Preserve significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;~~

~~10. Buffers shall be preserved and shall be surveyed, staked, and fenced before any constructed work, including grading and clearing, may take place on the site; and~~

~~11. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction.~~

~~B. A vegetation management plan shall be submitted consistent with the requirements, goals, and standards of this program. The plan shall reflect the report prepared pursuant to RMC 26.20.040. Any required mitigation, including supplemental buffer plantings, shall be guaranteed by a bond or other acceptable security device to assure successful establishment, including an appropriate monitoring period. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years. The city may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.~~

~~C. As an incentive to encourage preservation of secondary habitat as defined in this program, the net amount of landscaping required by the city of Richland may be reduced by one quarter acre for each one acre of secondary habitat and buffer preserved on the site; however, that amount cannot exceed 50 percent of the amount of required landscaping. The reduction shall be calculated on the basis of square feet of habitat preserved or enhanced and square feet required. Habitat and habitat buffer that is enhanced by the applicant may also qualify for this reduction. Preservation of secondary habitat shall be by execution of an easement or other protective device acceptable to the city of Richland.~~

When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the FWHCA so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following:

A. The report shall be prepared by a qualified professional using the best available science;

B. The area addressed in any report for a fish and wildlife habitat conservation area shall include the project area and adjacent lands within 300 feet of the project boundaries to account for potential buffers that may not be accurately mapped at the time of application. Further the report shall identify all habitat conservation areas, shorelines, floodplains, other critical areas and related buffers;

C. A habitat conservation report shall include an assessment to evaluate the presence or absence of priority habitat. At a minimum the habitat assessment shall include:

1. Detailed description of vegetation on and adjacent to the project area, including the existence or nonexistence of plant species native to the state of Washington identified by the State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats;
2. Identification of any priority species and habitats (PHS) or any endangered, threatened, critical, candidate, or monitored species and any habitat or species of local concern that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the protected habitat or use of the site by the species;
3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
4. A discussion of measures, including avoidance, minimization and mitigation proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with RMC 26.60.020 (mitigation sequencing);
5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;
6. When warranted, the administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;

D. Habitat conservation area reports shall be forwarded to the Washington Department of Fish and Wildlife and local Native American Indian tribes to provide them with an opportunity to comment on the adequacy and accuracy of the report;

E. The administrator may waive the requirement for the preparation of a habitat conservation area report upon a determination that by reason of previous development that the proposed project site does not provide functional habitat. Such waiver shall be made in writing and a copy shall be provided to the Washington State Department of Fish and Wildlife.

26.60.045 Fish and wildlife habitat conservation area – Performance standards.

Development or any regulated activity occurring within a designated habitat conservation area or within its respective protection buffer, or development or any regulated activity proposed to occur adjacent to, or close enough to, a habitat conservation area so as to likely impact critical area ecosystem functions and values, shall only be permitted in accordance with the conditions of an

approved habitat conservation area report. Such report shall be based on the following standards using the best available science:

A. Consider habitat in site planning and design;

B. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat conservation areas, including use of bird-friendly building design and use of dark sky lighting standards;

C. Integrate retained habitat into open space and native plantings, consistent with the provisions of all open space and landscaping requirements;

D. Activity within or close to a habitat conservation area shall not result in the degradation of the functions and values of the habitat;

E. Nonindigenous species shall not be introduced into a habitat conservation area;

F. Contiguous corridors through a project area shall be maintained. Measures necessary to mitigate impacts within a habitat conservation area shall attempt to achieve contiguous functioning habitat corridors in order to minimize the isolating effects of development on habitat;

G. Identify habitat contiguous to other habitat conservation areas, open space or landscape areas to contribute to a continuous system or corridor that provides connections to adjacent habitat conservation areas and allows movement of wildlife;

H. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat conservation areas;

I. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;

J. Width of riparian corridors shall be in accordance with ~~buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in~~ [RMC 22.10.110 26.60.042](#);

K. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to avoid, minimize, or mitigate potential adverse impacts. Conditions shall include protective buffers based on the State of Washington Department of Fish and Wildlife management recommendations for Washington's priority species modified for local conditions and the recommendations of the Department of Fish and Wildlife biologists and may include, but are not limited to, the following measures:

1. Establishment of undisturbed habitat conservation areas;

2. Staking of undisturbed habitat conservation areas prior to any construction, including clearing, grading and filling taking place on or adjacent to the site;
3. Fencing of undisturbed habitat conservation areas in a manner consistent with the provisions of RMC 26.60.025 (H);
4. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
5. Preservation of critically important vegetation;
6. Supplemental planting of native tree and shrub cover;
7. Removal and/or control of any noxious or undesirable species of plants and animals;
8. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;
9. Replanting of disturbed areas and/or areas where noxious weed species were removed with native vegetation types, including ongoing plans for weed control and irrigation as appropriate;
10. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;
11. Seasonal restriction on construction activities;
12. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;
13. Posting of a bond or other financial surety to ensure completion and success of proposed mitigation measures. Such bond or other security device shall be required to assure successful establishment of required planting for an appropriate monitoring period. The amount of the bond or other security device shall equal 125 percent of the cost of the mitigation project for a period of five years. The administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

~~26.60.045 Fish and wildlife habitat conservation area alteration.~~

~~In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in this section (RMC 22.10.210 26.60.044).~~

26.60.0436 Fish and wildlife habitat conservation area alteration.

A. Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in accordance with RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence. ~~the following preferred sequence:~~

B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this section. ~~Mitigation shall meet the criteria of RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence. In an individual case, these actions may include consideration of alternative site plans and layouts, or reductions in the density or scope of the proposal. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in RMC 26.60.040.~~

~~C. Alteration of habitat and/or their buffers may be permitted by the city subject to the following standards:~~

~~1. Critical Habitat. Alterations of critical habitat shall be avoided, subject to the reasonable use provisions of this shoreline program.~~

~~2. Secondary Habitat. Alterations of secondary habitat may be permitted; provided, that the applicant mitigates adverse impacts consistent with the performance standards and other requirements of this shoreline program~~

Article IV. ~~Geologic Hazard~~ Geologically Hazardous Areas

26.60.050 Identification and definition.

A. ~~Geologic hazard areas~~ Geologically hazardous areas identification and designation shall be consistent with the minimum guideline classifications established in WAC 365-190-080(4), which include any future amendments to the code. Areas that are susceptible to one or more of the following types of hazards shall be classified as a ~~geologic hazard area~~ geologically hazardous area:

1. Erosion hazard;
2. Landslide hazard;
3. Seismic hazard; and
4. Mine hazard.

B. Erosion Hazard Areas. Those areas that are identified by the United States Department of Agriculture Soil Conservation Service as having a severe rill and inter-rill erosion hazard.

C. Landslide Hazard Areas. Those areas that are potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas include, but are not limited to, the following types of areas:

1. Areas delineated by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development;
2. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources;
3. Areas with all three of the following characteristics:
 - a. Areas with slope steeper than 15 percent;
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or ground water seepage;
4. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of that epoch;
5. Areas with slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
6. Areas with slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
7. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and undercutting by wave action;
8. Areas that show evidence of, or on, an active alluvial fan presently or potentially subject to inundation by debris flows or catastrophic flooding; or
9. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

D. Seismic Hazard Areas. Those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (1) magnitude of an earthquake; (2) distance from the source of an earthquake; (3) type of thickness of geologic materials at the surface; and (4) type of subsurface geologic structure.

E. Mine Hazard Areas. Those areas underlain by, adjacent to, or affected by mine working areas as designated by the Washington State Department of Natural Resources.

26.60.051 Applicability to geological hazards.

The provisions of this program shall apply to any activity that occurs in or within 200 feet of a ~~geologic hazard area~~ geologically hazardous area unless otherwise exempt. These activities include, but are not limited to, the following:

A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;

B. Dumping, discharging or filling with any material;

C. Driving piling or placing obstructions;

D. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure which has an adverse effect on a ~~geologic hazard area~~ geologically hazardous area; destroying or altering vegetation through clearing or harvesting; and any project permit established in Chapter 19.20 RMC.

26.60.052 ~~Geologic hazard~~ Geologically hazardous areas inventory maps.

The approximate location and extent of ~~geologic hazard areas~~ geologically hazardous areas within the city of Richland's planning area are shown on the ~~Sensitive~~ Critical areas maps adopted as part of this program, as provided in the city's SMP inventory, analysis and characterization report. These maps should be used as a general guide only for the assistance of property owners and the city of Richland to identify and designate ~~geologic hazard~~ geologically hazardous areas.

26.60.053 Preliminary assessment.

A. The ~~city of Richland~~ administrator shall conduct a preliminary assessment of the proposed activity. The preliminary assessment shall consist of reviewing geologic hazard inventory maps as provided in the city's SMP inventory, analysis and characterization report, conducting an on-site evaluation, and, if necessary, consulting with state and/or federal agencies to determine whether there is reasonable evidence that a proposed activity is within 200 feet of a ~~geologic hazard area~~ geologically hazardous area. In the event there is a disagreement as to whether the activity is within 200 feet of a ~~geologic hazard area~~ geologically hazardous area, a geologic report prepared by a qualified ~~consultant~~ professional as defined in Chapter 26.80 RMC shall be required, at the property owner or applicant's expense, to determine this issue.

B. If it is determined that there is reasonable evidence that a proposed activity is within 200 feet of a ~~geologic hazard area~~ geologically hazardous area, then geologic reports and studies are required at the property owner or applicant's expense.

26.60.054 Geologic reports and studies.

Geologic studies and reports shall comply with the requirements established in RMC 26.60.081(B)(6), Permit process and application requirements.

26.60.055 Administrative evaluation of geologic reports and studies.

The ~~city of Richland~~ administrator shall review the geologic reports and studies to determine the significant risks posed by the activity to life and property on and off the project site. The ~~city of Richland~~ administrator may approve, conditionally approve, or deny an activity, as appropriate, based on the degree to which significant risks are posed to public and private property and to the health and safety of the community. Conditional approval of the activity may include mitigation measures based on the geologic reports and studies. Where potential impacts of the activity cannot be effectively mitigated, or where the risk to public health, safety, and welfare of the community is significant notwithstanding mitigation, the activity shall be denied.

26.60.056 Assurance.

The ~~city of Richland~~ administrator may require assurance from the owner or applicant and/or its geologic consultant that the activity creates a minimal risk of danger to life or property on or off the project site. Such assurance may include the following:

- A. A letter from the geologic consultant who prepared the required study and report stating that the activity creates a minimal risk of danger to life or property on or off the project site; or
- B. A letter from the owner or applicant stating its understanding and acceptance of any risk of injury or damage associated with the activity and agreeing to notify any future purchasers of the site, portions of the site, or structures located on the site of the geologic hazard.

Article V. Critical Aquifer Recharge Areas Protection

26.60.057 Identification and definition.

Critical aquifer recharge areas (CARAs) are defined as those areas having a critical recharging effect on aquifer use for potable water in community systems. CARAs are classified and designated as follows:

- A. Those areas designated as “wellhead protection areas” pursuant to WAC 246-290-135(~~43~~) and the ground water contribution area in WAC 246-291-~~100(2)(e)~~ 125. Wellhead protection areas shall, for the purpose of this regulation, include the identified recharge areas associated with either Group A ~~public water supply wells and those~~ or Group B ~~public water supplies wells with a wellhead protection plan filed with the city and/or the Benton-Franklin Health District~~; and

- B. Any land identified in the soil survey of Benton County as having high potential for aquifer recharge, as determined by the administrator.

In order to protect the public health and safety, prevent degradation of ground water and for potentially usable potable water, and to provide for regulations that prevent and control risks to the degradation of ground water quality and quantity, development in CARAs shall be subject to the standards described in this article.

26.60.058 Critical aquifer recharge area maps.

The approximate location and extent of aquifer recharge areas within the city of Richland’s shoreline planning area are shown on the ~~Sensitive~~ Critical areas maps adopted as part of this SMP,

as provided in the city's SMP inventory, analysis and characterization report. [Wellhead protection areas are shown in the state Department of Health's Source Water Assessment Program mapping.](#) These maps should be used as a general guide only for the assistance of property owners and the city of Richland to identify and designate critical aquifer recharge areas.

26.60.059 ~~General exemptions.~~ Exceptions from critical aquifer recharge area regulations.

The following activities shall ~~be exempt from~~ [not be subject to](#) the CARA provisions of this ~~article~~ [section](#), provided they are conducted using best management practices for protecting surface and ground water quality:

- A. Single-family residential development;
- B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance;
- C. Group A [& Group B](#) public water system source development and associated infrastructure;
- D. Public water supply aquifer storage and recovery (ASR) facilities;
- E. Public water pipelines and supply storage structures; and
- F. The following underground storage tank (UST) systems, including any piping connected thereto:
 - 1. Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;
 - 2. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;
 - 3. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
 - 4. Any UST system whose capacity is 110 gallons or less;
 - 5. Any UST system that contains a de minimis concentration of regulated substances;
 - 6. Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
 - ~~7. Farm or residential UST systems of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);~~
 - ~~8-7.~~ UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of 1,100 gallons are subject to the release reporting requirements of WAC 173-360-372;

~~9. On-site domestic septic systems releasing less than 500 gallons of effluent per day and that are limited to a maximum density of one system per one acre;~~

~~10.~~ 8. Any pipeline facility (including gathering lines) regulated under:

~~a.i.~~ i. The Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671 et seq.), or

~~b.ii.~~ ii. The Hazardous Liquid Pipeline Safety Act of 1979 (49 USC App. 2001 et seq.);

iii. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in subsection (F)(8)(i) or (ii) of this section;

~~11.~~ 9. Surface impoundments, pits, ponds, or lagoons;

~~12.~~ 10. Stormwater or wastewater collection systems;

~~13.~~ 11. Flow-through process tanks;

~~14. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or~~

~~15.~~ 12. Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel), if the storage tank is situated upon or above the surface of the floor.

26.60.060 Reports and studies.

Reports for CARAs shall be submitted to the ~~city~~ Administrator by the applicant for a development proposal activity not otherwise ~~exempted~~ excepted as provided in RMC 26.60.059 ~~26.60.059~~ that is proposed on a parcel within an aquifer recharge area. Requirements for a hydrogeologic assessment are found in RMC 26.60.081 ~~Permit process and application requirements.~~

26.60.061 Performance standards.

A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer, and that the proposed activity will not adversely affect the recharging of the aquifer.

B. The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, Washington State Department of Ecology, and the Benton-Franklin Health District.

C. The proposed activity must be designed and constructed in accordance with existing local, state and federal laws and regulations, and the Stormwater Management Manual for Eastern Washington, as amended (Ecology 2004) for those geographic areas covered under the Eastern Washington Phase II Municipal Stormwater Permit (Ecology 2007) or activities covered under the Ecology General Construction Permit (Ecology 2005), and/or the locally adopted program, as applicable.

26.60.062 Uses prohibited in critical aquifer recharge areas.

The following activities and uses are prohibited in CARAs:

A. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, ~~woodwaste~~ wood waste, and inert and demolition waste landfills.

B. Underground Injection Wells. Class I, III, and IV wells and underground injection wells that do not comply with Chapter 173-200 or 173-218 WAC ~~subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells.~~

C. Mining in critical aquifer recharge areas determined to be highly susceptible or vulnerable in a public water system wellhead protection plan, to include:

1. Metals and hard rock mining;
2. Sand and gravel mining.

D. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade).

E. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances.

F. Other Prohibited Uses or Activities.

1. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and
2. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

Article VI. Flood Hazard Areas

26.60.070 Identification and definition.

Frequently flooded areas shall be those floodways and associated floodplains designated by the Federal Emergency Management Agency (FEMA) flood hazard classifications as delineated on the most current available Flood Insurance Rate Maps for the city, or as subsequently revised by FEMA, as being within the 100-year floodplain, or those floodways and associated floodplains delineated by a comprehensive flood hazard management plan adopted by the city, as being within the 100-year floodplain or having experienced historic flooding; or channel migration zones (CMZ) identified through mapping provided in the city's SMP inventory, analysis and characterization report. The CMZ is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b).

26.60.071 Maps and references.

A. The approximate location and extent of ~~flood hazard areas~~ frequently flooded areas within the city of Richland's planning area are shown on the ~~sensitive critical~~ areas maps adopted as part of this SMP, including, but not limited to, the most current available FEMA Flood Insurance Rate Maps (FIRM) and channel migration zone (CMZ) mapping provided in the city's SMP inventory, analysis and characterization report. These maps should be used as a general guide only for the assistance of property owners and the city of Richland to identify and designate flood hazard areas.

B. Applicants for shoreline development or modification may submit a site-specific CMZ study if they demonstrate these conditions do not exist on the subject property and the map is not accurate. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The CMZ study must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.

26.60.072 Protection standards.

A. All development within frequently flooded areas shall comply with Chapter 23.12 RMC, Floodplain Use District, Chapter 22.16 RMC, Flood Damage Prevention, the city's shoreline master program, the International Building Code regarding structural safeguards to reduce risk to human life, health and property from flooding, and other pertinent ordinances and codes.

B. Any use or development shall not alter the normal movement of surface water in a manner that would cause the unnatural diversion of floodwater to otherwise flood-free areas.

~~C. CMZs shall be regulated as uses in Chapter 23.12 RMC, Floodplain Use District, and shall apply only to the Yakima River.~~

Article VII. General Information

26.60.080 General ~~exemptions~~ exceptions.

The following activities shall ~~be exempt from~~ not be subject to the provisions of ~~this chapter~~ these critical areas requirements, provided they are conducted using best management practices and impacts are minimized:

A. Existing and ongoing agricultural activities as defined in Chapter 26.80 RMC and subject to the provisions of RMC ~~22.10.080(C)(3)~~ 26.60.021.B.4.

B. Maintenance, operation and reconstruction of existing roads, streets, utilities, and associated structures; provided, that reconstruction of any structures may not increase the impervious area.

C. Normal maintenance, repair and reconstruction of residential or commercial structures; provided, that reconstruction of any structures may not increase the impervious floor area.

D. Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that

any disturbance of ~~sensitive~~ critical areas shall be the minimum necessary to carry out the work or studies.

E. Educational activities, scientific research, and outdoor recreational activities that will not have a significant effect on the habitat area, including, but not limited to, interpretive fields, bird watching, fishing and hiking.

F. Public agency emergency activities necessary to prevent an immediate threat to public health, safety or property; provided, that retroactive mitigation is required to restore a site to a pre-emergency response condition to ensure no net loss of ecological functions. Retroactive mitigation must occur within the first growing season following completion of the emergency work.

G. Prior to the effective date of the ordinance codifying this chapter, any of the following activities that have met all conditions of approval in a timely manner and are consistent with the reasonable use provisions of this chapter, to include:

1. Complete applications as defined by the appropriate ordinance;
2. Approved preliminary plats; and
3. Development of legally created lots which have been recorded with Benton County.

H. Minor activities not mentioned above and determined by the community development director to pose minimal risk to the public health, safety, and general welfare.

I. The operation, maintenance, or reconstruction of existing canals, waterways, wasteways, drains, reservoirs or other facilities that lie within the boundaries of and are maintained by an irrigation district or company; provided, that any new construction or related activity does not encroach into a critical area.

26.60.081 Permit process and application requirements.

A. Preapplication Conference. All applicants are encouraged to meet with the city of Richland's shoreline administrator or his or her representative prior to submitting an application subject to these regulations. The purpose of this meeting shall be to discuss the city of Richland's ~~sensitive~~ critical areas requirements, processes, and procedures; to review any conceptual site plans prepared by the applicant; to discuss appropriate investigative techniques and methodology; to identify potential impacts and mitigation measures; and to familiarize the applicant with state and federal programs, particularly those pertaining to wetlands. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the city of Richland.

B. Application Requirements. The information required by this section should be coordinated with reporting requirements required by this section for any other ~~sensitive~~ critical area located on the site.

1. Prior to the issuance of a SEPA threshold determination for a proposal, all ~~sensitive~~ critical area reports relevant to the site must be submitted to the city of Richland, if requested, for review by staff if such ~~sensitive~~ critical areas are indicated on any portion of the site. The purpose of the reports is to determine the extent and function of ~~sensitive~~ critical areas where regulated activities are proposed. The reports will also be used by the ~~city of Richland~~ administrator to determine the appropriate implementation of ~~sensitive~~ critical area regulations, and the extent to which potential impacts of proposed activities are addressed by existing regulations that provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed activities.

2. In addition, wetland boundaries and other relevant physical features must be staked and flagged in the field by a qualified consultant.

3. The report on any ~~sensitive~~ critical area shall include the following information:

a. Vicinity map;

b. A map showing:

i. Site boundary, property lines and roads;

ii. Internal property lines, rights-of-way, easements, etc.;

iii. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;

iv. Contours at the smallest readily available intervals, preferably at five-foot intervals; and

v. For large (50 acres or larger) or complex projects with wetlands or ~~habitat areas~~ habitat conservation areas, the ~~city of Richland~~ administrator may require an aerial photo with overlays displaying the site boundaries and wetland delineation or habitat area(s). Generally, an orthophotograph at a scale of one inch equals 400 feet or greater (such as one inch equals 200 feet) should be used. If an orthophotograph is not available, the center of a small scale (e.g., one inch equals 2,000 feet) aerial enlarged to one inch equals 400 feet may be used;

~~e. The report for any sensitive critical area must describe:~~

~~i~~ vi. Locational information including legal description and address;

~~ii~~ vii. All natural and manmade features within 150 feet of the site boundary;

~~iii~~ viii. General site conditions including topography, acreage, and water bodies or wetlands; and

~~ix~~^x. Identification of any areas that have previously been disturbed or degraded by human activity or natural processes.

4. In addition to the general report requirements, a report on wetlands shall include the following information:

- a. Delineated wetland boundary;
- b. The wetland boundary must be accurately drawn at an appropriate engineering scale such that information shown is not cramped or illegible. The drawing shall be prepared by a surveyor. Generally, a scale of one inch equals 40 feet or greater (such as one inch equals 20 feet) should be used. Existing features must be distinguished from proposed features;
- c. Site designated on the wetlands area maps described in RMC 26.60.022;
- d. Hydrologic mapping showing patterns of water movement into, through, and out of the site area;
- e. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets;
- f. Field data sheets from the Federal Manual, numbered to correspond with sample site locations as staked and flagged in the field, including a description of:
 - i. Specific descriptions of plant communities, soils, and hydrology;
 - ii. A summary of existing wetland function and value;
 - iii. A summary of proposed wetland and buffer alterations, impacts, and the need for the alterations as proposed. Potential impacts may include, but are not limited to, loss of flood storage potential, loss of wildlife habitat, expected decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on associated wetland or water resources. If alteration of a Category I, II, III, or IV wetland is proposed, a wetland mitigation plan is required according to the standards of RMC 26.60.028 and 26.60.029; and
- g. Describe how mitigation meets the criteria of RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence.

5. In addition to the general report requirements, a report on fish and wildlife habitats shall include [the requirements of RMC 26.60.044 together with](#) the following information. The level of detail contained in the report shall generally reflect the size and complexity of the proposal and the function and value of the habitat. The city may require field studies at the applicant's expense in appropriate cases.

- a. A map of vegetative cover types, reflecting the general boundaries of different plant communities on the site;

- b. A description of the species typically associated with the cover types, including an identification of any critical wildlife species expected to be found;
 - c. The results of searches of Washington State Department of Natural Resources' natural heritage and Washington State Department of Fish and Wildlife's nongame data system databases, if available;
 - d. Additional information on species occurrence available from the city of Richland or Benton County;
 - e. Descriptions of the following:
 - i. The layers, diversity and variety of habitat found on the site;
 - ii. Identification of edges between habitat types and any species commonly associated with that habitat;
 - iii. The location of any migration or movement corridors;
 - iv. A narrative summary of existing habitat functions and values;
 - v. A summary of proposed habitat and buffer alterations, impacts, and mitigation. Potential impacts may include, but are not limited to, clearing of vegetation, fragmentation of wildlife habitat, expected decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on wetlands or water resources; and
 - f. Describe how mitigation meets the criteria of RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence.
6. In addition to the general report requirements, applicants for activities within 200 feet of ~~geologic hazard areas~~ geologically hazardous areas shall conduct technical studies and reports which include the following:
- a. Review site history and available information;
 - b. Conduct a surface reconnaissance of the site and adjacent areas;
 - c. Conduct subsurface exploration suitable to the site and proposal to assess geotechnical geohydrologic conditions;
 - d. Conduct a detailed stability analysis of the existing landslide that demonstrates that the proposal will result in a suitable factor of safety during and following site development;
 - e. Characterize soils, geology and drainage;
 - f. Characterize ground water conditions, including the presence of any public or private wells in the immediate vicinity;

- g. Analyze proposed clearing, grading and construction activities, including construction scheduling; potential direct and indirect, on-site and off-site, impacts from development; and proposed mitigation measures, including any special construction techniques, monitoring or inspection programs (during and after construction), and surface water management controls;
 - h. Evaluate the presence of geologic conditions giving rise to geologic hazards;
 - i. Evaluate the safety and appropriateness of the proposed activities;
 - j. Recommend appropriate construction practices, monitoring programs and other mitigating measures required to ensure achievement of the purpose and intent of these regulations. The format of any required reports shall be determined by the city of Richland;
 - k. Recommend surface water management controls during construction and operation;
 - l. Propose construction scheduling; and
 - m. Recommend site monitoring and inspection during construction.
7. In addition to the general report requirements, a report for critical aquifer recharge areas must include the following information:
- a. Available information regarding geologic and hydrogeologic characteristics of the site, including the surface location of all CARAs located on site or immediately adjacent to the site, and permeability of the unsaturated zone;
 - b. Ground water depth, flow direction, and gradient based on available information;
 - c. Currently available data on wells and springs within 1,000 feet of the project area;
 - d. Location of other ~~sensitive~~ critical areas, including surface waters, within 1,000 feet of the project area;
 - e. Available historic water quality data for the area to be affected by the proposed activity;
 - f. Evaluation of the potential impact of the proposed development on ground water quality, both short and long term, based on an assessment of the cumulative impacts of the proposal in combination with existing and potential future land use activities; and
 - g. A proposed mitigation plan, as applicable. Applicants must demonstrate how they will integrate necessary and appropriate best management practices to prevent degradation of ground water.
8. In addition to the general report requirements, a report on floodplain development shall include the information required by RMC 22.16.040, Administration.

C. Permit Process. This section is not intended to create a separate permit process for development proposals. To the extent possible, the ~~city of Richland~~ administrator shall consolidate and integrate the review and processing of ~~sensitive~~ critical area-related aspects of proposals with other land use and environmental considerations and approvals.

D. The administrator has the authority to seek expert advice in determining the adequacy of the submitted report, at the applicant's expense.

26.60.082 Requirements of qualified ~~consultants~~ professional.

All reports or studies are to be performed by a licensed or qualified professional; ~~licensed or qualified as a consultant~~, in the ~~sensitive~~ critical area at issue. The ~~city of Richland~~ administrator shall determine whether a person is a qualified ~~consultant~~ professional based on the criteria established in Chapter 26.80 RMC.

26.60.083 Land divisions.

All proposed divisions of land which include regulated ~~sensitive~~ critical areas shall comply with the following procedure and development standard:

A. New lots shall contain at least one building site, including access that is suitable for development and is not within a portion of the regulated ~~sensitive~~ critical area or its associated buffer or setback in which a restriction or prohibition on alteration is provided by this program.

26.60.084 General procedural provisions.

A. Interpretations and Conflicts. Appeal to the hearing examiner concerning interpretation or administration of this title may be taken by any person aggrieved ~~Any question regarding interpretation of these regulations shall be resolved~~ pursuant to the procedures set forth in RMC 23.70.070.

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

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

C. Appeals from permit decisions shall be governed by the procedures set forth in Chapter 19.70 RMC.

26.60.085 Unauthorized alterations and enforcement.

A. When a critical area or its buffer has been altered in violation of this chapter, all ongoing development work shall stop, and the critical area shall be restored. The city shall have the authority to issue a "stop-work" order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of provisions of this chapter.

B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared by the owner or responsible party and approved by city. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles and shall describe how the actions proposed meet the minimum requirements described in subsection (C) of this section. The administrator shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a critical area; provided, that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:

1. The historic structure, functions, and values of the affected critical area shall be restored, including water quality and habitat functions.
2. The historic soil types and configuration shall be restored to the extent practicable.
3. The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.
4. Information demonstrating compliance with other applicable provisions of this chapter shall be submitted to the administrator.

D. Site Investigations. The administrator is authorized to make site inspections and take such actions as necessary to enforce this chapter. The administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

E. Penalties. See RMC 26.60.084(B).

F. If the critical area affected cannot be restored, money from any associated penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected critical area is located. The city may coordinate its preservation or restoration activities with others to optimize the effectiveness of the restoration action.

G. Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

26.60.086 Notice on title.

A. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property that contains one or more critical areas or buffers for which a development proposal has been approved shall record a notice with the county auditor's office according to the direction of the city. The notice shall state the presence of the critical area(s) or buffer(s) on the

property, the application of this chapter to the property, and a listing of the limitations on actions in or affecting the critical area or buffer that may exist. The notice shall note specific requirements that may include but not be limited to the preservation of existing native vegetation; restrictions on access; the prohibition on construction of buildings or other improvements; the prohibition on grading, filling or clearing activities or other requirements as identified in this chapter. The notice shall “run with the land.”

B. The notice on title shall not be required for a development proposal by a public agency or public or private utility:

1. Within a recorded easement or right-of-way;
2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
3. On the site of a permanent public facility.

C. The applicant shall submit proof that the notice has been recorded before the city grants any final development approval for the property. In the case of subdivisions, short subdivisions or binding site plans, a note on the recorded plat shall satisfy the requirement for a notice on title.

This space intentionally left blank.

Chapter 26.70
NO SPECIAL DUTY CREATED

Sections:

26.70.010 No special duty created.

26.70.010 No special duty created.

It is the purpose of this title to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. No provision or term used in this title is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

Nothing contained in this title is intended to be, nor shall be construed to create or form, the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this title, or by reason or consequence of any inspection, notice, or order made or given in connection with the implementation or enforcement of this title, or by reason of any action of the city related in any manner to enforcement of this title by its officers, agents or employees.

Chapter 26.71
SEVERABILITY

Sections:

26.71.010 Severability.

26.71.010 Severability.

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

Chapter 26.80 DEFINITIONS

Sections:

26.80.010 Definitions.

26.80.010 Definitions.

~~“Agriculture” or “agricultural activities” means agricultural uses and practices including, but not limited to, producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow (plowed and tilled, but left unseeded); allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; provided, that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.~~

~~Agricultural equipment and agricultural facilities include, but are not limited to:~~

~~A. The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;~~

~~B. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;~~

~~C. Farm residences and associated equipment, lands, and facilities; and~~

~~D. Roadside stands and on-farm markets for marketing fruit or vegetables.~~

“Adjacent” shall mean any activity located:

A. On a site immediately adjoining a critical area;

B. A distance equal to or less than the required critical area buffer width and building setback, or, where the buffer width has yet to be determined, a distance equal to a buffer and setback that would typically be required for the present habitat or species;

C. A distance equal to or less than 250 feet* from a stream, wetland, channel migration zone or water body;

D. Within the floodway or floodplain; or

E. A distance equal to or less than 200 feet** from a critical aquifer recharge area.

“Administrator” means such person as the city manager of the city of Richland shall designate to administer and enforce the provisions of this title.

“Agricultural activities” means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

“Agricultural activities, existing and ongoing” include those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities that bring a previously nonagricultural area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program.

“Agricultural products” includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

“Agricultural equipment” and “agricultural facilities” includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and

“Agricultural land” means those specific land areas on which agriculture activities are conducted.

“Alteration” means a human action which results in a physical change to the existing condition of land or improvements including but not limited to: clearing vegetation, filling and grading and construction of structures or facilities including impervious surfaces.

“Applicant” means the person, party, firm, partnership, corporation, or other entity that ~~applies for any permit or approval pursuant to this title, and may include applicants for other approvals pursuant to other provisions of the Richland Municipal Code.~~ proposes any activity that could affect a critical area.

“Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery.

~~“Artificially created wetland” means wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.~~

“Associated jurisdictional wetlands” are those wetlands that are in proximity to and either influence or are influenced by shoreline areas subject to the Shoreline Management Act.

“Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices (BMPs)” ~~should not exclude new agricultural and land management activities, especially in sensitive areas and their buffers, and should also encourage ongoing agricultural activities to minimize their effects on water quality, riparian ecology, salmonid populations, and downstream resources.~~ BMPs are current and evolving conservation practices, or systems of practices, management or operational measures, or design and construction techniques; or normal and accepted industry standards that are applied to land use activity in a manner which:

- A. Controls soil loss and reduces surface water and ground water quality degradation caused by nutrients, wastes, toxics, and sediment;
- B. Minimizes where possible and mitigates where necessary adverse impacts to the natural chemical, physical and biological environment of the city;
- C. Utilizes the city’s natural resources on a long-term, sustainable yield basis;

D. Protects trees, vegetation, and soils designated to be retained during and following site construction, and uses native plant species appropriate to the site for revegetation of disturbed areas; and

E. Prevents contamination of surface and ground water resources, and protects from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.

“Bioengineering” means the use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

“Boating facility” for the purposes of this program means any public or private facility for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps, and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage.

“Buffer” means an area adjacent to a [sensitive critical](#) area that functions to avoid loss or diminution of the ecologic functions and values of the [sensitive critical](#) area. Specifically, a buffer may:

A. Preserve the ecologic functions and values of a system, including, but not limited to, providing microclimate conditions, shading, input of organic material, and sediments; room for variation and changes in natural wetland, river, or stream characteristics; providing for habitat for life cycle stages of species normally associated with the resource;

B. Physically isolate a [sensitive critical](#) area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers, and generally including dense native vegetation, but also may include human-made features such as [wildlife-friendly](#) fences and other barriers;

C. Act to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters such as from landslide or flooding.

“Building” means a roofed and walled structure built for permanent or temporary use.

“Building height in Shoreline Management Act jurisdiction” only means the vertical distance between average grade and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the highest point of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of that segment of the building with all roof elements at a different elevation than adjacent steps or terraces; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines. Temporary construction equipment is excluded in this calculation.

“Bulkhead” means a structure of timber, concrete, steel, rock, or similar substance located parallel to the shore, which has as its primary purpose to contain and prevent the loss of soil by erosion, wave, or current action.

“Channel migration zone” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For the purpose of this program, the channel migration zone excludes areas separated from the active river channel by legally existing artificial structures that are likely to restrain channel migration, including, but not limited to, flood control facilities, transportation facilities, and structures built above or constructed to remain intact through the 100-year flood.

“Clearing” means the removal of trees, brush, grass, ground cover, or other vegetative matter from a site which exposes the earth’s surface of the site.

“Compensatory mitigation” means the restoration, creation, enhancement or, in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

“Creation” (of wetland) means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. ~~Establishment~~ Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species (Gwin et al. 1999).

“Critical aquifer recharge areas” are areas with a critical recharging effect on aquifers needed for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

“Critical areas” are areas defined in RCW 36.70A.030(5) including any of the following areas or ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

~~“Critical habitat” or “critical wildlife habitat” means habitat conservation areas associated with threatened, endangered, sensitive critical, or priority species of plants or wildlife which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term. Such areas are documented with reference to lists, categories and definitions of species promulgated by the Washington Department of Wildlife (Non-Game Data System Special Animal Species) as identified in WAC 232-12-011 or 232-12-014 and in the priority habitat species lists compiled in compliance with WAC 365-190-080, or by rules and regulations adopted currently or hereafter by the U.S. Fish and Wildlife Service.~~

~~“Critical habitat” also includes the following types of areas:~~

~~A. Regionally rare native fish and wildlife habitat (i.e., one of five or fewer examples of the habitat within the Mid-Columbia region);~~

~~B. Fish and wildlife areas with irreplaceable ecological functions, including, but not necessarily limited to, the following:~~

~~1. The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151;~~

~~2. The Lake Wallula wildlife habitat conservation areas managed by the U.S. Army Corps of Engineers, including the Yakima River Wildlife Management Area and the Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;~~

~~3. Category I wetlands as defined in RMC 26.60.023;~~

~~4. State nature area preserves or natural resource conservation areas identified by state law and managed by the Department of Natural Resources;~~

~~5. Documented habitat, other than accidental presence, of threatened or endangered species;~~

~~6. Documented habitat, other than accidental presence, of regional or national significance for migrating birds.~~

“Cumulative impacts” are the results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed substantial and subject to mitigation conditions even though they may consist of individual actions having relatively minor impacts.

“Developer” means any person, firm, corporation, or agency engaged in the act of development.

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level (development does not include dismantling or removing structures if there is no other associated development or re-development).

“Development plan” means a proposal for development consisting of such site plans, vicinity maps, drawings, illustrations, documents, and conditions as may be necessary and appropriate.

“Dock” means a place for vessels to moor and may include a variety of facilities including piers and floating structures extending from the shore over the water. This definition does not include over-water trails.

“Dredging” is the removal of earth, sand, gravel, silt, or debris from below the ordinary high water mark of any river, stream, pond, lake, or other water body and beneath the area of seasonal saturation of any wetland.

“Earth/earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

“Ecological function” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute an element of a natural ecosystem.

“Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

“Enhancement” (of habitats in general) means the improvement of existing habitat such as by increasing plant density or structural diversity, or by ~~controlling nonindigenous or noxious species by replacing with native species~~ removing nonindigenous or noxious species and by replacing with native species.

“Enhancement” (of wetlands) means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s), or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. ~~[Examples are planting vegetation, controlling nonnative or invasive species, and replacing with native species. And modifying site elevations to alter hydroperiods.]~~ Activities typically consist of planting vegetation, controlling nonnative or invasive species and replacing with native species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

“Erosion” means wearing away of rock or soil by the gradual detachment of soil and rock fragments by water, wind, ice, and other mechanical and chemical forces.

“Erosion hazard areas” are areas identified by the United States Department of Agriculture Soil Conservation Service as having a severe rill and inter-rill erosion hazard.

“Excavation” means the mechanical removal of earth material.

~~“Existing and ongoing agricultural activities” include those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities that bring a previously nonagricultural area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program.~~

“Exotic” means a species, plant community type, or habitat that has been introduced or modified as a result of human actions.

“Fair market value” means the open market bid price for conducting construction of the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment or materials.

“Feasible” means that an action, such as a development project, mitigation, or restoration requirement, meets all of the following conditions:

- A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- B. The action provides a reasonable likelihood of achieving its intended purpose; and
- C. The action does not physically preclude achieving the project’s primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the city may weigh the action’s relative public costs and public benefits, considered in short- and long-term time frames.

“Federal Manual” or “federal methodology” means the methodology for identifying wetlands in the field as described in the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“Fill” means earth or any other substance or material placed in or on the ground, including earth retaining structures, in an area waterward of the OHWM. In wetlands, it includes any action that raises the elevation or creates dry land.

“Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface, or other fill material.

“Fish and wildlife habitat conservation area” means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range and movement corridors, and areas with high relative population density or species richness. “Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

“Floodplain” is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

~~“Floodway” means the channel of a river or other watercourse and the adjacent land areas that either:~~

~~A. Has been established in Federal Emergency Management Agency Flood Insurance Rate Maps or floodway maps; or~~

~~B. Consists of those portions of a river valley lying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.~~

~~C. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.~~

Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (not more than one foot). Also referred to as “regulatory floodway.”

“Frequently flooded areas” are lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year or within areas subject to flooding due to high ground water.

These areas include, but are not limited to, streams, rivers, and wetland areas where high ground water ponds on the ground surface.

“Functions and values” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological and aesthetic value protection; educational opportunities and recreation.

“Geologically hazardous areas” are areas that because of their susceptibility to erosion, sliding, earthquakes or other geological events are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns.

“Geotechnical report or geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, estimates of susceptibility to erosion, sliding, earthquake, or other geological events, and the extent of risk to the health and safety of persons and property. Such a report shall include conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise regarding the regional and local geology and processes.

“Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

“Habitat management” means management of land to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not imply maintaining all habitat or individuals of all species in all cases.

~~“Habitat map” means maps of plant cover types/communities, referred to as fish and wildlife conservation areas, adopted by the city of Richland to indicate the potential presence of wildlife species.~~

“High impact land use” means land uses that are generally associated with relatively high levels of human activity or disturbance, development of structures, or substantial wetland habitat impacts. Depending on their context, high impact land uses can include, but are not limited to, residential buildings and structures, active recreation areas and facilities, commercial and industrial land uses, buildings and structures, and similar uses and activities which create a significant potential for impacts to wetlands. The context for determining the impact of a land use includes the sensitivity of the wetland, the density and intensity of adjacent development, the amount of impervious

surface, the orientation of proposed buildings and structures, and other relevant factors as determined in an individual case.

“In-kind mitigation” means replacement of wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

“In-stream structures” are structures located waterward of the ordinary high water mark that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

“Isolated wetlands” means those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

“Landslide hazard areas” are areas that are potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas include, but are not limited to, the following types of areas:

A. Areas delineated by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development;

B. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources;

C. Areas with all three of the following characteristics:

1. Areas with slope steeper than 15 percent;
2. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
3. Springs or ground water seepage;

D. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of that epoch;

E. Areas with slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

F. Areas with slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;

G. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and undercutting by wave action;

H. Areas that show evidence of, or on, an active alluvial fan presently or potentially subject to inundation by debris flows or catastrophic flooding; or

I. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

“Local utility” means public or private utilities normally servicing a neighborhood or defined subarea in the city (e.g., telephone exchanges, sanitary sewer, stormwater facilities, distribution lines, electrical distribution less than 55 kilovolts, telephone, cable television, etc.).

“Low impact land use” means land uses that are typically associated with relatively low levels of human activity, disturbance or development, and that are conducted in a manner so as to minimize impacts to the buffer. Low impact land uses may include:

A. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife;

B. Passive recreation, including walkways or trails which may be located in the outer 25 percent of the buffer area;

C. Educational and scientific research activities, provided prior approval is obtained from the approval authority;

D. Normal and routine maintenance and repair of any existing public or private facilities, provided appropriate measures are undertaken to minimize impacts to the wetland and its buffer, and that disturbed areas are restored immediately to a natural condition; or

E. Agricultural land uses that do not create a significant probable wetland impact.

“Marina” means any commercial or club-owned facility consisting of docks or piers serving five or more vessels, or a shared moorage serving a subdivision serving 10 or more vessels.

“Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

“Mitigation” means a series of prioritized actions that when achieved in full ensures project impacts will result in no net loss of ~~habitat value or fish and wildlife populations.~~ ecological functions.

~~“Mitigation”~~ Mitigation involves actions that proceed in sequence from the highest to the lowest priority as follows:

A. Avoiding impacts to environmentally ~~sensitive~~ critical areas by not taking action or parts of actions.

B. Minimizing impact by limiting the degree or magnitude of the action and its implementation.

C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

E. Compensating for the impact by replacing or providing substitute resources or environments.

While monitoring alone is not considered mitigation for purposes of these regulations, it may be part of a comprehensive mitigation program.

“Mixed use” within an area subject to the jurisdiction of the Shoreline Management Act means a combination of compatible uses within one development, in which water-oriented and non-water-oriented uses are included.

“Multiple use” means a combination of compatible uses within one development, and may include commercial, multifamily, and recreation uses, among others. The term “mixed use” in RMC Title 23, Zoning Regulations, may be used in the same sense as “multiple use” in this title, Shoreline Management.

“Native vegetation” means vegetation indigenous to the area in question.

“Natural or existing topography” means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

“No net loss of ecological functions” is the maintenance of existing ecological processes and functions at the level that existed at the time of approval of relevant policies and regulations.

A. No net loss of ecological functions on the level of the city means that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.

B. On a project basis, “no net loss” means that permitted use or alteration of a site will not result in on-site or off-site deterioration of the existing condition of ecological functions that existed prior to initiation of use or alterations as a direct or indirect result of the project.

C. No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site or off-site restoration of ecological functions to compensate for localized degradation.

“Non-water-dependent use” means those uses which are not water-dependent.

“Non-water-oriented use” means those uses which are not water-dependent, water-related, or water-enjoyment.

~~“Nonconforming lot, use, structure, or site” means a preexisting parcel which was lawfully created prior to the effective date of this program but does not meet minimum size or other dimensional requirements, a use which was legally established prior to the effective date of this program, which would not be permitted as a new use in the area in which it is located under the terms of this program, or a structure lawfully erected prior to the effective date of this program or a site altered or improved which does not meet current standards for setbacks, buffers, vegetation conservation, landscaping, public access, screening, or other regulations for the area in which it is located due to changes in regulations since its establishment.~~

“Non-conforming use or development” means a shoreline use, building, or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable permitting provisions in the shoreline jurisdiction (WAC 173-27-080).

“Open space” means an area that is intended to provide light and air, view, use, or passage of persons or animals which is almost entirely unobstructed by buildings, paved areas, or other human-made structures, and is designed or preserved for environmental, habitat, scenic, or recreational purposes.

“Ordinary high water mark” means the mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition existed on June 1, 1971, for all lands under the jurisdiction of the Shoreline Management Act, or for other lands on the effective date of the relevant provisions of this program, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or other authorized jurisdictions. In any area where the ordinary high-water mark cannot be found, it shall be defined in accordance with WAC 173-22-030, generally the line of the mean higher high tide in areas adjoining salt water, and the line of mean high water in areas adjoining fresh water.

“Party of record” includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

“Permanent erosion control” means continuous on-site and off-site control measures that are needed to control conveyance or deposition of earth, and turbidity or pollutants after development, construction, or restoration.

“Permit” means that [shoreline](#) substantial development, [shoreline](#) special use, or [shoreline](#) variance permit issued by the city of Richland [administrator](#) prior to substantial development in shoreline areas, subject to review by the State of Washington Department of Ecology and the State Attorney General.

“Pier” means docks or similar structures supported by fixed piles. This definition does not include over-water trails.

“Preservation” (of wetlands) means the removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

“Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must [either be a habitat included on WDFW’s Priority Habitat and species list or](#) have one or more of the following attributes:

- A. Comparatively high fish or wildlife density;
- B. Comparatively high fish or wildlife species diversity;
- C. Fish spawning habitat;
- D. Important wildlife habitat;
- E. Important fish or wildlife seasonal range;
- F. Important fish or wildlife movement corridor;
- G. Rearing and foraging habitat;
- H. Important marine mammal haul-out;
- I. Refugia habitat;
- J. Limited availability;
- K. High vulnerability to habitat alteration;
- L. Unique or dependent species; or
- M. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands ~~or~~ eelgrass meadows [or shrub steppe habitat](#)). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

[“Priority habitat and species list” means a list published by the Washington Department of Fish and Wildlife, which is a catalog of habitats and species considered to be priorities for conservation and management. Priority species require protective measures for their survival due to their](#)

population status, sensitivity to habitat alteration, and/or recreational, commercial or tribal importance. Priority species include state endangered, threatened, critical and candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial or tribal importance that are vulnerable. Priority habitats are habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type (e.g., shrub-steppe) or dominant plant species (e.g., juniper savannah), a described successional stage (e.g., old-growth forest) or a specific habitat feature (e.g., cliffs).

“Priority habitat and species map” means maps of plant cover types/communities. Considered by Washington State Department of Fish and Wildlife to contain priority habitat or wildlife species. PHS is a source of best available science that informs local planning activities and land use applications.

~~“Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.~~

~~A. Criterion 1, State Listed or State Proposed Species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.~~

~~B. Criterion 2, Vulnerable Aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.~~

~~C. Criterion 3, Species of Recreational, Commercial, and/or Tribal Importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance, and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.~~

~~D. Criterion 4. Species listed under the Federal Endangered Species Act as either proposed, threatened, or endangered.~~

“Public access” means a physical and/or visual approach to and along the shoreline available to the general public.

“Public interest” means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected, including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

~~“Qualified consultant” means a professionally trained and/or certified wildlife biologist, ecologist or other professional with expertise in the scientific disciplines necessary to identify, evaluate and manage habitat.~~

“Qualified professional” ~~means~~ for the purpose of these regulations, shall mean a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a Bachelor of Science or Bachelor of Arts or equivalent degree in biology, ecology, engineering, environmental studies, fisheries, geomorphology or related field, and at least two years of related work experience.

A. A qualified professional for habitats or wetlands must have a degree in biology, ecology or related field and professional experience related to the subject species. A “qualified wetland specialist” is further defined below.

B. A qualified professional for a geological hazard must be a professional geotechnical engineer or geologist, licensed in the state of Washington.

C. A qualified professional for critical aquifer recharge areas ~~means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments~~ must be a currently licensed Washington State geologist holding a current specialty license in hydrology.

“Qualified wetland specialist” means a person or firm with experience and training in wetland issues, and with experience in performing delineations, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include:

A. A Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, ecology, environmental studies, fisheries, soil science, wildlife or related field, and at least two years of related work experience, including a minimum of one year of experience delineating wetlands using the Unified Federal Manual in preparing wetland reports. Additional education may substitute for one year of related work experience; or

B. Four or more years of related work experience and training, with a minimum of two years² experience delineating wetlands using the Unified Federal Manual in preparing wetland reports.

“Recreation areas or facilities” means any privately or publicly owned passive or active facility that provides for activities undertaken for pleasure or relaxation and for the refreshment of the mind and body that takes place in the outdoors or in a facility dedicated to the use, including, but not limited to, walking, fishing, photography, viewing, and bird watching, and may include parks, playgrounds, sports fields, paths and trails, beaches, or other recreation areas or facilities.

“Reestablishment” (of wetland) means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

~~“Regulated activity” means activities occurring in or near and/or potentially affecting a wetland or wetland buffer that are subject to the provisions of the shoreline master program. Regulated activities generally include, but are not limited to, any filling, dredging, dumping or stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting~~ activities generally including, but not limited to, filling, dredging, dumping, stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting, or any other activity that may impact the functions and values of the nearby critical area as determined by the administrator.

“Rehabilitation” (of wetland) means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

“Restore” or “restoration” or “ecological restoration” means the reestablishment or upgrading of impaired natural or enhanced ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to pre-Columbia Basin Project, aboriginal or pre-European settlement conditions.

~~“Riparian management zone” (RMZ) means the fish and wildlife habitat conservation area adjacent to all rivers and streams delineated to protect riparian ecosystem functions and values. Its inner point of measure is the wider of (A) the ordinary high water mark or (B) the outer extent of the channel migration zone. Its width is the greater of (A) 100 feet, (B) one site potential tree height of a 200-year old tree, and (C) the width needed to reliably remove pollutants as determined through a habitat conservation report.~~

“Riparian ecosystem”, or “Riparian area” means the area alongside a water body that significantly influences exchanges of energy and matter among terrestrial and aquatic ecosystems. Along streams and rivers, it includes the active channel, channel migration zone, floodplain, and portions of the adjacent uplands that contribute organic matter and shade, provide space for nutrient cycling, and keep pollutants from entering the stream.

“Sanitary landfill” is a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day’s operation or at such more frequent intervals as may be necessary.

~~“Secondary habitat” or “secondary wildlife habitat” means areas with one or more of the following attributes: comparatively high wildlife density; high wildlife species richness; significant wildlife breeding habitat; significant wildlife seasonal ranges; significant movement corridors; limited availability; and/or high vulnerability. Secondary habitat offers less diversity of animal and plant species than critical habitat, but is important for performing the essential functions of habitat.~~

“Seismic hazard areas” are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (A) magnitude of an earthquake; (B) distance from the source of an earthquake; (C) type of thickness of geologic materials at the surface; and (D) type of subsurface geologic structure.

~~“Sensitive Critical areas” are those areas and ecosystems as defined under Chapter 36.70A RCW, and include:~~

~~A. Wetlands;~~

~~B. Areas with a critical recharging effect on aquifers used for potable waters;~~

~~C. Fish and wildlife habitat conservation areas;~~

~~D. Frequently flooded areas; and~~

~~E. Geologically hazardous areas.~~

“Shall” means a mandate; the action must be done.

“Shorelands or shoreland areas” means those lands under the jurisdiction of the Shoreline Management Act extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters ~~that~~ which are subject to the provisions of the Shoreline Management Act, RCW 90.58.030; the same to be designated as to location by the Washington State Department of Ecology.

“Shoreline areas” mean all shorelines of the state and shorelands.

“Shoreline jurisdiction” means all areas subject to the SMP.

“Shoreline program” or “Shoreline Master Program (SMP)” shall refer to the Richland shoreline master program.

“Shoreline stabilization” means structural and nonstructural actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

“Shorelines of Richland” are the total of all shorelines and shorelines of statewide significance within the corporate limits of the city of Richland.

“Should” means, in areas that are subject to the provisions of the Shoreline Management Act, RCW 90.58.030, that a particular action is required unless there is a demonstrated compelling reason, based on the policy of the Shoreline Management Act and this program, against taking the action. The administrator shall make the determination about whether or not an applicant has demonstrated that there is a compelling reason against taking an action, and may consult with the Department of Ecology and other agencies with jurisdiction over a proposal in making such a determination.

“Site” means any parcel or combination of contiguous parcels where a proposed project is located.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

“Solid waste” is defined as those presently unwanted residues of used natural or manmade resources and of human activity, including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, which are handled or managed in solid form.

“Stormwater” means runoff during and following precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface water body or a constructed treatment, evaporation or infiltration facility.

“Structural diversity” means the relative degree of diversity or complexity of vegetation in a habitat area as indicated by the stratification or layering of different plant communities (e.g., ground cover, shrub layer, and tree canopy); the variety of plant species; and the spacing or pattern of vegetation.

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

“Substrate” means the soil, sediment, decomposing organic matter or combination of those located on the bottom surface of the wetland.

“Temporary erosion control” means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction or restoration.

“Variance” means a means to grant relief from the specific bulk, dimensional, or performance standards specified in the SMP, but not a means to vary a shoreline use. Shoreline variances must be specifically approved, approved with conditions, or denied by Ecology (see WAC 173-27-170).

“Water-dependent use” means a use or portion of a use which cannot exist in a location that is not adjacent to the water, and which is dependent on the water by reason of the intrinsic nature of its operations.

“Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use, or a use that provides for enjoyment or recreational use of the shoreline for a substantial number of people as a general characteristic of the use, and which through location, design, and operation ensures the public’s ability to enjoy the visual and physical qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public, and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

“Water-oriented use” means a use that is water-dependent, water-related or water-enjoyment, or a combination of such uses.

“Water-related use” means a use or portion of a use which is not intrinsically dependent on a waterfront location, but its economic viability is dependent upon a waterfront location because:

A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

B. The use provides a necessary service supportive of the water-dependent uses, and the proximity of the use to its customers makes its services less expensive and/or more convenient.

“Wetland” or “wetlands” refers to areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include artificially created wetlands. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands, if permitted by the City.

“Wetland, artificially created” means wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

“Wetland buffer area” means a naturally vegetated and undisturbed, enhanced or revegetated zone surrounding a natural, restored, or newly created wetland that is an integral part of a wetland ecosystem, and protects a wetland from adverse impacts to the integrity and value of the wetland. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

~~“Wetland class” means one of the 11 class names used to describe wetland and deepwater habitat types as derived from the U.S. Fish and Wildlife Service wetland classification scheme consisting of a hierarchy of systems, subsystems, classes and subclasses to describe wetland types. Refer to USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States~~

~~for a complete explanation of the wetland classification scheme. These class names include: forested wetland, scrub shrub wetland, emergent wetland, moss lichen wetland, unconsolidated shore, aquatic bed, unconsolidated bottom, rock bottom, rocky shore, stream bed, and reef.~~

“Wetland delineation” means ~~the actual flagging or staking in the field of the edges of the wetland by a qualified consultant or their representative~~ a delineation done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided for in WAC 173-22-035.

“Wetland determination” means a report prepared by a qualified ~~consultant~~ professional that identifies, characterizes, and analyzes potential impacts to wetlands consistent with applicable provisions of these regulations. A determination does not include a formal delineation.

~~“Wetlands” or “wetland areas” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a regulated wetland, the methodology shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided in RCW 90.58.380 and WAC 173-22-035.~~

“Wildlife habitat” means areas that provide food, protective cover, nesting, breeding, or movement for fish and wildlife, and with which individual species have a primary association.

~~“Wildlife report” means a report prepared by a qualified consultant that evaluates plant communities and wildlife functions and values on a site, consistent with the format and requirements established by this program.~~

Footnotes to Definitions.

* “Adjacent,” subsection (C) – The distance of 250 feet is based on maximum wetland buffer.

** “Adjacent,” subsection (E) – The distance of 200 feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application.

STAFF REPORT

TO: Planning Commission

PREPARED BY: MillieAnne VanDevender, AICP &
Nicole Stickney, AICP
AHBL, Inc. – Contract Planners

FILE NO.: CA2020-104

MEETING DATE: October 25, 2023

GENERAL INFORMATION

APPLICANT: City of Richland

REQUEST: Text and map amendments to the Shoreline Master Program (SMP) and RMC Title 26 – Shoreline Management are proposed to fulfill requirements of the SMP Periodic Update Process.

LOCATION: Citywide: Shoreline Jurisdiction

EXHIBITS

1. Draft Amendments to Title 26 – Shoreline Management
2. Public Comment Response Matrix
3. Meeting Minutes from 06/09/2021 Planning Commission Public Hearing
4. Draft Periodic Review Checklist (for future submittal to Ecology)
5. SMP Shoreline Regulatory Reaches Map and SMP Shoreline Environment Designations
6. FEMA Letter of Map Revision Determination

REASON FOR REQUEST

The City of Richland is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other City of Richland plans and regulations, and is responsive to changed circumstances, new information and improved data.

PROCESS TIMELINE

- On October 6, 2020, the Richland City Council passed Resolution 135-20 adopting Richland's 2021 *Shoreline Master Program Periodic Review Public Participation and Work Plan* outlining the anticipated public involvement process for the SMP update.
- On November 18, 2020, the Planning Commission hosted an open-house event to initiate the process and to answer any preliminary questions from the public.
- On March 8, 2021, the City issued the required 60-day notice to the WA Department of Commerce for the proposed amendment to development regulations; thereby fulfilling the requirements of 36.70A.106 (1) RCW.
- The City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) on March 15, 2021, on the proposed update.

- On March 24, 2021, the Richland Planning Commission conducted a workshop meeting to discuss the SMP update.
- The City and the state Department of Ecology (Ecology) issued a joint notice advertising an open public comment period from May 10 to June 8, 2021. The City received many comments from the public and did not receive any comments from State and local agencies.
- On June 9, 2021, the Planning Commission held a public hearing to discuss the SMP update. Two members of the public made comments and Chelsea Benner explained her role as a representative of the Department of Ecology. The Planning Commission decided to postpone action on the SMP update to allow City and State officials time to respond to written and oral comments received on the update. The minutes from the public hearing are included as Exhibit 3.

BACKGROUND

Prior to the public hearing which took place on June 9, 2021, the Richland Planning Department coordinated with the Department of Ecology on public notification of comment periods and hearings to take advantage of Ecology's optional SMP amendment process that allows for a combined state-local comment period (WAC 173-26-104), as noted above in the timeline. The City received many extensive comments on the SMP update during the time between the Planning Commission workshop (March 24, 2021) and the public hearing. City staff compiled all the comments the City received into a comment and response matrix. At the time of the public hearing in June of 2021, staff had not addressed all the comments and the Planning Commission ultimately decided to postpone action on the SMP to allow City and State officials time to respond to written and oral comments received on the update. The City received another set with additional comments from the public after the initial joint public hearing in June of 2021 (but there were no comments from any public agencies). In accordance with RCW 90.58.080(4), the update was on track to conclude on or before June 30, 2021, however, staffing issues caused unforeseen delays to the process and many of the commenters' responses remained unaddressed.

The City asked AHBL to provide responses to the collected comments. AHBL had previously provided contract services to the City early in the SMP update process by reviewing the adopted SMP through the lens of Ecology's Update Checklist and ultimately made many suggestions and recommendations on items to update.

As requested, AHBL conducted a thorough review of the SMP and the public comments and incorporated suggested changes where appropriate into Title 26 of the Municipal Code and the SMP. The proposed updates are included as Exhibit 1 and the changes are indicated through the use of Tracked Changes standards: proposed additions are shown in underlined blue font, and anything deleted is shown in red font with a strikethrough. The Response Matrix (Exhibit 2) now provides a record of who commented, the date of the comment, the comment, and the City's response or action taken due to the comment.

To move the SMP update forward, the Planning Commission must make a recommendation to the City Council. Following that step, staff would present the proposed amendments to City Council. Ecology is processing a large number of SMP reviews currently and would likely not be able to review the City's proposed SMP updates for several months. As a result, the joint review process is no longer being used and the City is using the standard review process (following advisement by Chelsea Benner at Ecology). Accordingly, the Planning Commission public hearing is not a joint public hearing.

Once the recommendation of the Planning Commission is given to the City Council the City Council may **adopt** the SMP and associated documents by Ordinance. However, the ordinance will not take immediate effect, because the Department of Ecology will have its own review (including its own comment period) of the SMP.

Unlike other local regulations, Ecology has final review and **approval** authority over the City's SMP, including the ability to require changes.

SUMMARY OF AMENDMENTS

The policy sections of Richland's Shoreline Management Program (SMP) are codified as Title 26 of the Municipal Code. Staff (as supported by the consultant team) proposes several text changes to the various sections of Title 26 – Shoreline Management largely based on a checklist provided by Ecology that details the changes to state laws / rules / guidance that necessitated the need for SMP amendments. Many other updates are based on suggestions from the public.

An inventory of required and proposed SMP amendments is provided in the Department of Ecology Periodic Review Checklist (Exhibit 4). The checklist indicates code sections where the change can be found in the draft code amendments (Exhibit 1). The Response Matrix (Exhibit 2) also provides an inventory of proposed SMP amendments based on comments from the public.

The following is a summary of proposed amendments:

- Edits made throughout to correct typographical and/or grammatical errors and to ensure references to various code sections are correct.
- Updates to specific terms and nomenclature throughout.
- Updates to many sections of Chapter 26.60 to align the critical areas provisions of the SMP with the City's Critical Areas Ordinance (22.10 RMC).
- Additions, deletes, or revisions to various term definitions.
- Revisions to section RMC 26.60.042 to better explain riparian buffers and other required buffers and simplification of RMC 26.60.045.J so that it refers to the section that explains riparian buffers.
- Updates made to comply with recently adopted Washington State policies and laws and/or Ecology's clarifications:
 - Changes to the language that allows an exemption from Shoreline Substantial Development Permits for new construction that is under a certain cost threshold so that it now refers to RCWs and WACs instead of listing a specific amount that must be perpetually updated.
 - The definition of "development" was updated to add the suggested Ecology language: "Development does not include dismantling or removing structures if there is no other associated development or re-development."
 - There were small changes to the list of exemptions found in RMC 26.50.020.B and Section 26.50.021 was added to list exceptions to local review that would not require a shoreline exemption. These include exceptions like remedial hazardous substance cleanup actions, boatyard improvements to meet NPDES requirements, and certain WSDOT maintenance and safety projects and activities.
 - This also moved areas and uses in federal jurisdiction from an exemption to an exception.
 - A new exemption was created to include certain projects that are for ADA retrofitting.
 - Non-conforming uses or development were addressed by adding certain requirements and a definition.
 - RMC 26.01.040 added clarifications on future updates to the SMP.
 - To eliminate issues arising from future updates to the federal /local wetlands delineation manual, RMC 26.60.024.B was updated to refer to the approved federal wetland delineation manual and applicable regional supplements.

PUBLIC NOTICE/ COMMENTS

The SMP periodic update process integrates multiple opportunities for interested parties, including the public, to provide comments or any general feedback on the proposed changes to the SMP.

MAP AMENDMENTS

Staff has proposed a few minor amendments to the maps to depict the approximate SMP jurisdiction more accurately and improve the legibility of the maps. The proposed changes affect the map showing the regulatory reaches and the map showing the shoreline environments (Exhibit 5). The proposed map amendments do not propose substantive changes but are intended to clarify the information provided. As always, the SMP maps are intended to be a guide only and information is subject to field verification; however, there were a few items that were not depicted correctly and needed to be revised.

The proposed map changes include the following:

1. An update to the location of the shoreline environment located along the Marina at Columbia Point to reflect the accurate location of the ordinary high-water mark. The existing map titled *Shoreline Reaches* depicted the shoreline environment along the edge of the marina, and in the water, rather than along the shoreline. The image below (Figure 1) shows the existing (“Removed”) and proposed (“Added”) locations for the shoreline jurisdiction. Note that the shorelands that are present waterward of the marina are still shown as being in shoreline jurisdiction.

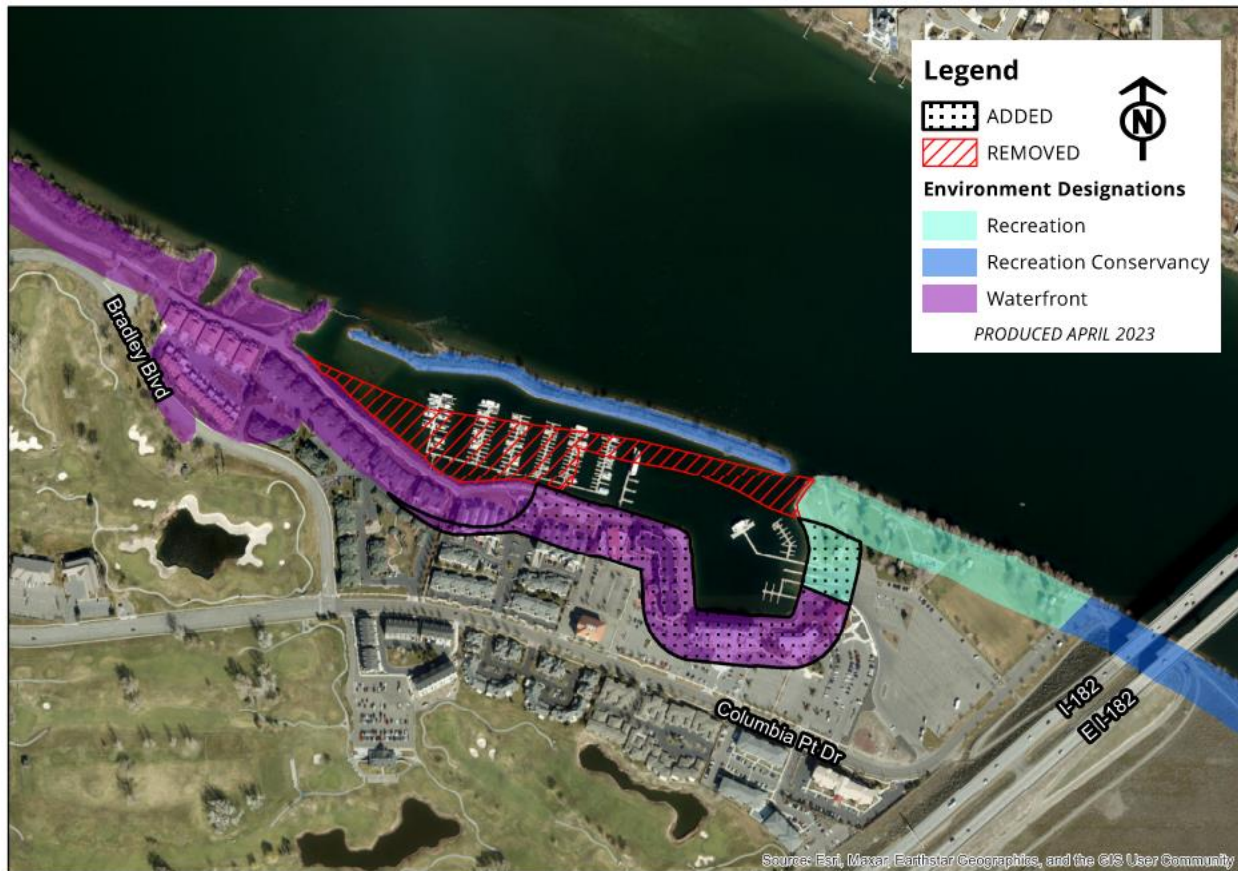


Figure 1

2. The SMP maps should accurately depict city limits. Staff proposes an update to accurately represent the current extent of the city limits, the UGA, and the location of the shoreline environment to reflect where the City annexed land on the east side of Stevens (and adjusted the boundaries of the UGA north of the City limits). Figure 2 shows the proposed adjustments to the adopted city limits and UGA and also shows that two islands in the Columbia River, Susan, and Barb Islands, are not part of the City of Richland SMP jurisdiction. These islands are technically within the boundaries of Franklin County. Although the islands are not technically being removed from Richland SMP jurisdiction (because they were never a part of it), staff has included the islands in this proposed change because some maps include the islands, and some do not.

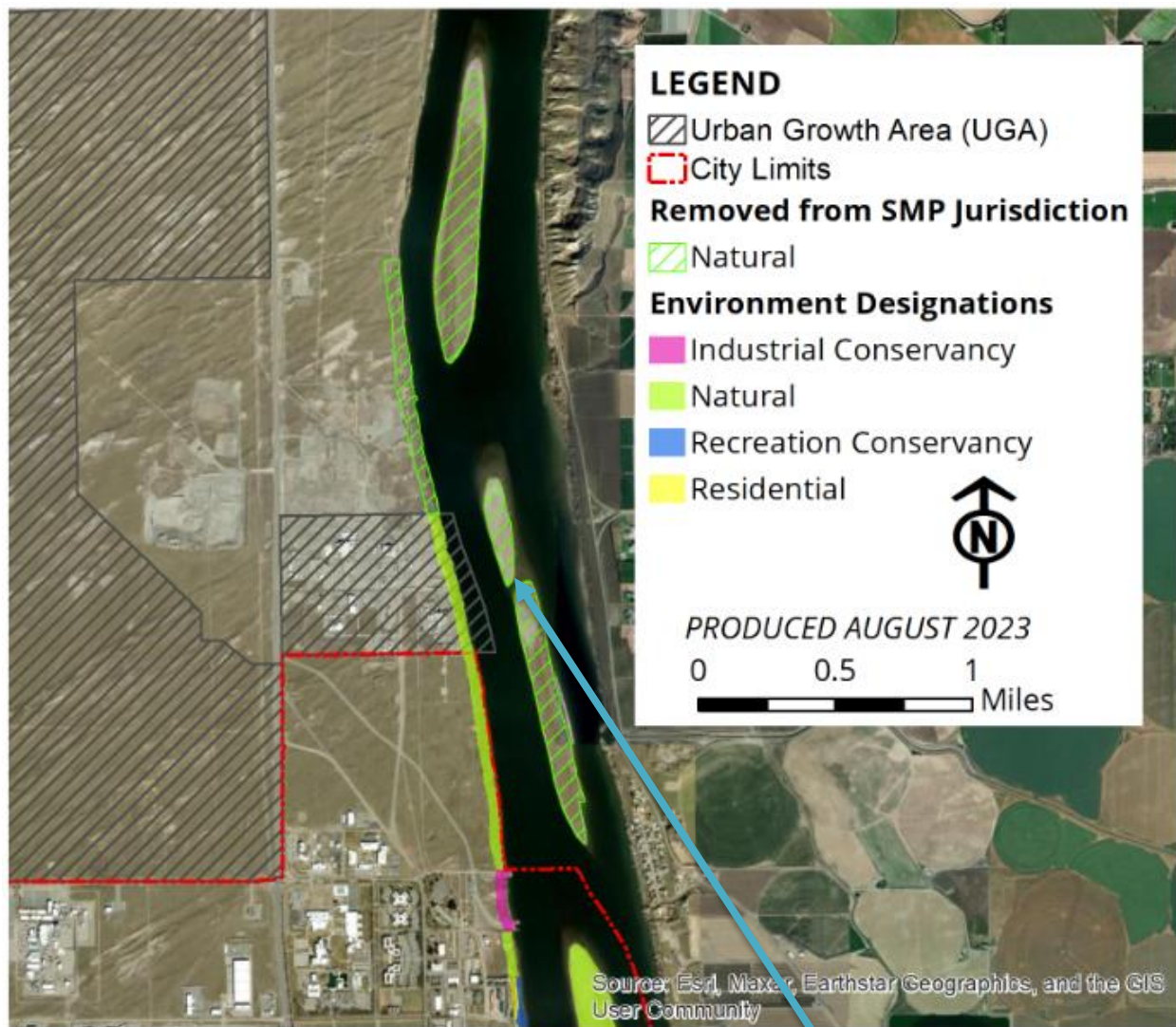


Figure 2

SUSAN & BARB ISLANDS

3. A change to the map is proposed to reflect some regulatory changes to the area near the Duportail Bridge. The Federal Emergency Management Agency (FEMA) issued a Letter of Map Revision (LOMR) with an effective date of January 12, 2023 (Exhibit 6). Figure 3 shows proposed map changes to match the refined locations of the regulatory floodway and floodplain per the LOMR.

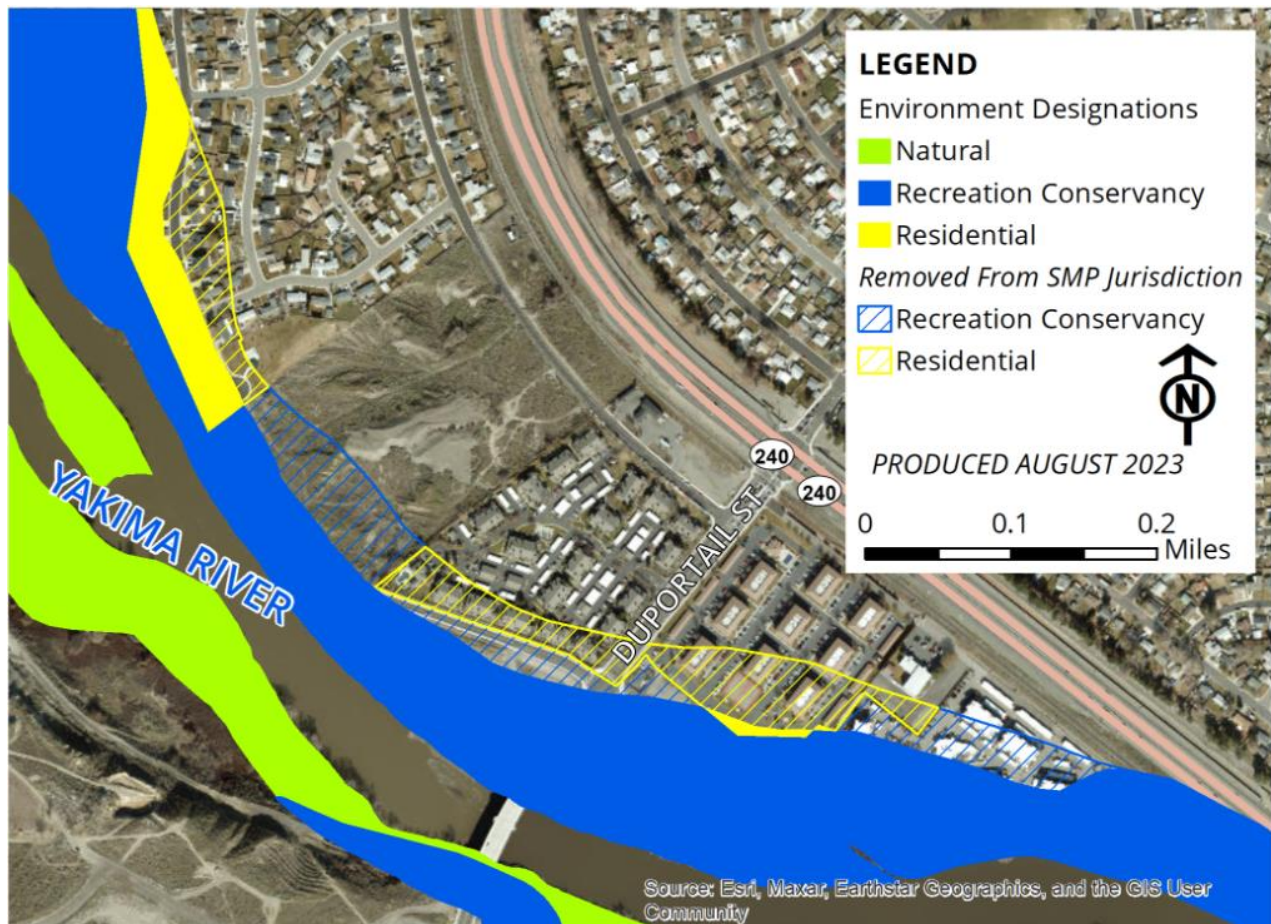


Figure 3

SEPA

The City of Richland followed the Optional DNS Process as outlined in WAC 197-11-355. A Determination of Non-Significance (DNS) was issued on March 15, 2021.

FINDINGS OF FACT

1. Over time, laws and plans governing shoreline environments change. Anticipating this, the Shoreline Management Act integrates the requirement for periodic updates to each jurisdiction's shoreline management program every ten years [RCW 90.58.080(4)].
2. On October 6, 2020, the Richland City Council passed Resolution 135-20 adopting Richland's 2021 Shoreline Master Program Periodic Review Public Participation and Work Plan outlining the anticipated public involvement process.

3. On November 18, 2020, the City held an open-house event to generally advise the Planning Commission and the public of the SMP update process.
4. On March 8, 2021, the City issued the required 60-day notice to the WA Department of Commerce of the proposed amendment to development regulations; thereby fulfilling the requirements of 36.70A.106 (1) RCW.
5. The City issued a SEPA Threshold Determination of Non-Significance on March 15, 2021.
6. On March 24, 2021, the Richland Planning Commission conducted a workshop meeting to discuss the SMP update.
7. The joint public comment period for the proposed code amendments was held for thirty days and ended on Tuesday, June 8, 2021.
8. On June 9, 2021, the Planning Commission held a public hearing to discuss the SMP update and decided to postpone action on the SMP update to allow City and State officials time to respond to written and oral comments received on the update.
9. Amendments proposed to 26.60 RMC create consistency between the City's Shoreline Master Program and the City's Critical Areas provisions (22.10 RMC).
10. 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.
11. Local parties and groups known to be interested in the SMP update process were directly notified of the opportunities to comment as they periodically occurred.
12. Several public comments were received wherein additional changes to Title 26 are proposed.
13. The joint review process is no longer being used and the City is using the standard review process (following advisement by Chelsea Benner at Ecology).

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 amendments are consistent with the goals and policies of the City's Comprehensive Plan.
3. As proposed, revised code language achieves minimal compliance with all updates required by Shoreline Management Act and the Growth Management Act.
4. Comments by the public may be further considered after the Planning Commission public hearing.
5. Ecology has final approval authority of the SMP.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (CA2020-104) and recommend the City Council adopt the proposed code amendments to RMC Title 26 as proposed or as further modified by the Department of Ecology.

ALTERNATIVES

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

RECOMMENDED MOTION

I move that the Planning Commission recommend approval of the proposed amendment to RMC Title 26 based upon the Findings of Fact and Conclusions of Law as provided in the written staff report.

Title 26

SHORELINE MANAGEMENT

Chapters:

- 26.01 General Provisions
 - 26.10 [Shoreline Jurisdiction and](#) Shoreline Environment Designations
 - 26.20 General Regulations
 - 26.30 Use Regulations
 - 26.40 Shoreline Modification Regulations
 - 26.50 Permit Administration and Enforcement
 - 26.60 [Sensitive Critical](#) Areas
 - 26.70 No Special Duty Created
 - 26.71 Severability
 - 26.80 Definitions
-

Chapter 26.01 GENERAL PROVISIONS

Sections:

- 26.01.010 Short title.
- 26.01.020 Purpose.
- 26.01.030 [Shoreline](#) Master program adopted.
- 26.01.040 Shoreline [master](#) program review.
- 26.01.050 Annexations.
- 26.01.060 Amendments.

26.01.010 Short title.

This title shall be known and may be cited as the “Richland shoreline master program” and is sometimes hereinafter referred to as the “shoreline [master](#) program.”

26.01.020 Purpose.

The purpose of the shoreline [master](#) program is to implement the Shoreline Management Act of 1971 as now or hereafter amended (Chapter 90.58 RCW); and to provide for wise and proper management of ~~shorelands, wetlands, and water bodies~~ [shorelines of the state](#) in a manner that will allow present and future generations of users the opportunity to enjoy water resources, consistent with the goals, policies and stated purposes of the shoreline program while, ~~at the same time,~~ recognizing and protecting private property rights consistent with the public interest. This title carries out the responsibilities imposed on the city of Richland by the Shoreline Management Act of 1971 as now or hereafter amended by adopting the policies enunciated in RCW 90.58.010, the Richland shoreline master program, and in implementation thereof, the regulations and administrative provisions contained herein.

26.01.030 [Shoreline](#) Master program adopted.

The Richland shoreline master program consists of the following ~~elements~~ [components](#) which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090:

A. Comprehensive plan policies [in the](#) shoreline section of the land use element [of the Comprehensive Plan](#).

B. Regulations in this title, Shoreline Management.

C. ~~Sensitive area~~ [Critical Areas](#) regulations ~~in Chapter 22.10 RMC as amended and incorporated into this program as part of this title, specifically~~ [which apply within Shoreline Jurisdiction, located at](#) Chapter 26.60 RMC.

D. The [Shoreline Restoration and Protection Plan](#) ~~shoreline restoration element of the shoreline master plan~~, of which one printed copy in book form is on file in the office of the city clerk and made available for examination by the general public, shall not be considered to contain regulations but shall be utilized as a guideline for capital improvements planning by the city and other jurisdictions undertaking ecological restoration activities within Shoreline Management Act jurisdiction.

E. Maps, including the shoreline environment designation and regulatory reaches map and the map folio in the ~~SMP inventory, analysis and characterization report~~Shoreline Inventory, Analysis, and Characterization Report, of which one original copy is on file in the office of the city clerk and made available for examination by the general public, and another original copy of which is available at the community development department. Electronic copies may also be posted online at the city's website.

26.01.040 Shoreline ~~master~~ program review.

The planning commission shall ~~conduct an annual~~ review proposed changes to ~~of~~ the ~~master~~-shoreline master program and shall recommend to city council any changes or modifications deemed appropriate. After a public hearing, the city council shall adopt, adopt with modifications, or deny, ~~or adopt with modifications~~ the recommendations of the planning commission. ~~The~~ Following local adoption, the shoreline master program is then sent to the Department of Ecology for final review and approval.

The City shall conduct a review of the shoreline master program at regular intervals as required by RCW 90.58.080(4)(b). Following the review, the City shall, if necessary, revise the master program. The purpose of the review is:

A. To assure that the SMP complies with applicable laws and guidelines in effect at the time of the review; and

B. To assure consistency of the SMP with the comprehensive plan and development regulations adopted under RCW 36.70A, if applicable, and other local requirements.

26.01.050 Annexations.

It is anticipated that future annexations to the city of Richland may include water bodies, shorelines, and wetlands which are subject to the Shoreline Management Act of 1971, as amended. Areas outside of the city limits but within the city's urban growth area are assigned pre-designated shoreline environmental designations in accordance with WAC 173-26-150. Policies and regulations of this program shall take effect concurrent with annexation. No additional procedures are required by the city or the Department of Ecology for these provisions to have full force and effect.

26.01.060 Amendments.

It is recognized that future amendments to the ~~master~~-shoreline master program may be necessary in the interest of the health, safety, and general welfare of the ~~citizens-~~ residents of Richland and the state of Washington. In addition to the requirements in WAC 173-26-100, the following procedure shall be observed in amending the ~~master-~~ shoreline master program:

A. Proposed amendments to the regulations and boundaries set forth in this program shall follow the procedures outlined in RMC 23.70.180 through 23.70.250 and shall be submitted on forms provided by the administrator.

B. There shall be established a mailing list of interested agencies, associations and organizations to be notified of any proposed amendments to the ~~master~~-shoreline master program. It shall be the responsibility of the agency, association, or organization

to indicate in writing their interest in being included on the mailing list and their official mailing address.

C. Fees as set forth in the schedule of fees referenced in Chapter 19.80 RMC shall accompany applications for an amendment to the ~~master~~-shoreline master program.

D. No amendment to the ~~master~~-shoreline master program shall take effect without Department of Ecology review and approval.

Chapter 26.10
SHORELINE JURISDICTION AND
SHORELINE ENVIRONMENT DESIGNATIONS

Sections:

- 26.10.000 [Shoreline jurisdiction and](#) environment designations [established](#).
- 26.10.005 Environment designation – Official map.
- 26.10.010 Natural environment.
- 26.10.011 [Natural environment -](#) Purpose.
- 26.10.012 [Natural environment -](#) Designation criteria.
- 26.10.013 [Natural environment -](#) Management policies.
- 26.10.020 Recreation conservancy environment.
- 26.10.021 [Recreation conservancy environment -](#) Purpose.
- 26.10.022 [Recreation conservancy environment -](#) Designation criteria.
- 26.10.023 [Recreation conservancy environment -](#) Management policies.
- 26.10.030 Recreation environment.
- 26.10.031 [Recreation environment -](#) Purpose.
- 26.10.032 [Recreation environment -](#) Designation criteria.
- 26.10.033 [Recreation environment -](#) Management policies.
- 26.10.040 Rural environment.
- 26.10.041 [Rural environment -](#) Purpose.
- 26.10.042 [Rural environment -](#) Designation criteria.
- 26.10.043 [Rural environment -](#) Management policies.
- 26.10.050 Residential environment.
- 26.10.051 [Residential environment -](#) Purpose.
- 26.10.052 [Residential environment -](#) Designation criteria.
- 26.10.053 [Residential environment -](#) Management policies.
- 26.10.060 Waterfront ~~use~~ environment.
- 26.10.061 [Waterfront environment -](#) Purpose.
- 26.10.062 [Waterfront environment -](#) Designation criteria.
- 26.10.063 [Waterfront environment -](#) Management policies.
- 26.10.070 Industrial conservancy [environment](#).
- 26.10.071 [Industrial conservancy environment-](#) Purpose.
- 26.10.072 [Industrial conservancy environment -](#) Designation criteria.
- 26.10.073 [Industrial conservancy environment -](#) Management policies.
- 26.10.090 Aquatic environment.
- 26.10.091 [Aquatic environment -](#) Purpose.
- 26.10.092 [Aquatic environment -](#) Designation criteria.
- 26.10.093 [Aquatic environment -](#) Management policies.

26.10.000 [Shoreline jurisdictions and](#) environment designations [established](#).

[A. The City of Richland's shoreline jurisdiction includes segments of streams or rivers within the city limits where the mean annual flow is more than twenty \(20\) cubic feet per second and shorelands adjacent to those water bodies. Shorelands means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas](#)

landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams or rivers.

B. Shoreline areas are classified into specific shoreline environment designations based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through the city of Richland comprehensive plan. ~~Lands~~ Areas landward of the ordinary high water mark not designated are assigned a recreation conservancy environment designation.

26.10.005 Environment designation – Official map.

The shoreline environment designation and regulatory reaches map, and all amendments thereto adopted as a part of the ~~master~~-shoreline master program in RMC 26.01.030, shall be filed in the office of the administrator and may be viewed in the development services division. When uncertainty exists as to the exact location of an environment boundary line, the rules of construction in RMC 23.08.050 shall apply.

26.10.010 Natural environment.

26.10.011 Natural environment - Purpose.

The designation of natural environment on Richland's shorelines is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, the city will control the type and range of uses allowed and plan for restoration of degraded shorelines within this environment.

26.10.012 Natural environment - Designation criteria.

The natural environment designation in Richland is assigned to shoreline areas that are relatively ecologically intact due to a low level of human disturbance, or areas which have been disturbed in the past but either have been isolated from human activity in the near past or are subject to a restoration program designed to restore natural ecological processes and functions. These areas are relatively free of structural shoreline modifications, structures, and intensive human uses.

26.10.013 Natural environment - Management policies.

In applying the use ~~chart~~-table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. A use with associated levels of human activity that would degrade the ecological functions or natural character of the shoreline area shall not be allowed.

B. The following new uses are not allowed in the natural environment:

1. Commercial uses;
2. Industrial uses;

3. Residential uses;

4. Non-water-oriented recreation other than public access, or water-oriented recreation uses resulting in more than minor modification of shoreline vegetation and topography or in-stream structure; and

5. Roads, parking areas and utility corridors and utility facilities that can be feasibly located outside of “natural” designated shorelines.

C. Scientific, historical, cultural, educational, research uses, and very low intensity water-oriented recreational access uses may be allowed; provided, that no significant ecological impact on the area will result.

D. Any activity or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed.

26.10.020 Recreation conservancy environment.

26.10.021 [Recreation conservancy environment](#) - Purpose.

The recreation conservancy environment on Richland’s shorelines seeks to satisfy some of the needs of the community for low intensity recreation uses with minimal modification of the shoreline character. The intensity of recreational uses should be designed [or mitigated](#) to avoid alteration of existing vegetation as much as feasible and introduce low levels of human use.

26.10.022 [Recreation conservancy environment](#) - Designation criteria.

A recreation conservancy environment designation is assigned to public lands on the shoreline which have been modified by past human uses or activities but retain a range of ecological functions such that low intensity uses are most appropriate.

26.10.023 [Recreation conservancy environment](#) - Management policies.

In applying the use ~~chart~~ [table](#) in this program ([RMC 26.30.011](#)), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Management plans for these lands shall strike an appropriate balance between enjoyment of these areas and limiting potential adverse effects to aquatic areas, the land, associated vegetation, and wildlife. Some areas have the character of natural open space and shall receive a higher level of protection.

B. A use with associated levels of human activity that would degrade the ecological functions or natural character of the shoreline area should not be allowed.

C. The following new uses are not allowed in the recreation conservancy environment:

1. Commercial uses, except for low intensity activities which enhance public enjoyment of the land;

2. Industrial uses;

3. Residential uses;
4. Recreation uses requiring more than minor modification of shoreline vegetation and topography;
5. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a substantial visual intrusion to users of the area; and
6. Roads, parking areas and utility corridors and facilities that can be feasibly located outside of shorelines.

D. Scientific, historical, cultural, educational, research, and low intensity recreational access uses, including paved trails for regional trail systems or ADA access may be allowed; provided, that no significant ecological impact on the area will result. For the most part, soft surface trails should be employed.

E. All activities or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed.

F. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic qualities and minimize environmental impact.

26.10.030 Recreation environment.

26.10.031 Recreation environment - Purpose.

The recreation environment on Richland's shorelines is ~~designed~~established to satisfy the needs of the community for higher intensity recreation uses including both water-oriented and non-water-oriented uses. This environment includes existing and planned parks where native vegetation has been replaced by introduced species for aesthetic enjoyment as well as for active areas such as informal lawn areas, picnic areas and sports fields. The local community makes extensive use of developed parks along the shoreline for a variety of recreation uses and strongly supports these areas. Water-oriented uses are preferred, but non-water-oriented uses are allowed as long as the location and configuration does not substantially interfere with enjoyment of the shoreline.

26.10.032 Recreation environment - Designation criteria.

A recreation environment designation is assigned to public and private lands on the shoreline which have been modified by past human uses or activities and are devoted primarily to the public enjoyment of the shoreline and a variety of recreational activities.

26.10.033 Recreation environment - Management policies.

In applying the use ~~chart~~table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. A use with associated levels of human activity that would substantially degrade existing ecological functions of the shoreline area should not be allowed.

B. The intensity of uses within the shoreline should generally follow a gradation with lower intensity uses nearer the shoreline and higher intensity uses at a greater distance, except for uses such as boat launches that require a shoreline location.

C. The following new uses are not allowed in the recreation environment:

1. Industrial uses;
2. Commercial uses, except for franchises granted by the city which enhance public enjoyment of the shoreline and the overall recreational setting; and
3. In-stream structures of a magnitude that would alter natural geohydraulic processes or be a substantial visual intrusion to users of the area.

D. A wide variety of recreation uses are appropriate with a preference for water-oriented uses and activities including beaches, in-water structures, boat launches and other facilities that enhance the public enjoyment of the shoreline, including active and passive uses such as boating, fishing, bird watching, and similar uses.

E. Non-water-oriented recreation uses such as lawn areas and picnic areas that are enhanced by the ability to enjoy the aesthetic qualities of the shoreline are the next priority.

F. Active recreation uses such as sports fields may be located within shoreline jurisdiction, provided they do not displace opportunities for water-oriented uses. In general, such uses shall be located more than 100 feet from the OHWM, unless specific site conditions justify a closer location.

G. Structures that serve recreation and community uses, including gymnasias and community centers, should be located outside shoreline jurisdiction unless specific site conditions justify a closer location.

H. Roads and parking areas should be located as far from the water as feasible, preferably outside of shoreline jurisdiction.

I. Utility facilities should be located and designed to minimize impact on scenic views or aesthetic qualities and minimize environmental impact.

26.10.040 Rural environment.

26.10.041 Rural environment - Purpose.

The designation of rural environments on Richland's shorelines seeks to protect agricultural land and other historically rural areas from pressures of urban expansion, provide buffer areas between urban areas, protect ecological functions of the shoreline, and maintain open spaces and opportunities for recreational and other uses compatible with agricultural activities.

26.10.042 Rural environment - Designation criteria.

The rural environment designation is applied to shoreline areas inside urban growth areas that are designated by the comprehensive plan as agricultural or zoned agriculture, suburban agriculture, or floodplain.

26.10.043 Rural environment - Management policies.

In applying the use ~~chart~~ table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Uses in the rural environment are limited to those which sustain the shoreline area's physical and biological resources, and uses of a nonpermanent nature that do not substantially degrade ecological functions or the rural or natural character of the shoreline area.

B. Commercial and industrial uses are not allowed, except as directly related to agricultural use or products, including sale of products grown on the premises.

C. Water-dependent and water-enjoyment recreation facilities are a preferred use, provided they do not deplete the resource over time. Boating facilities, angling, wildlife viewing trails, and swimming beaches are preferred uses.

D. Residential subdivisions, including short plats, shall maintain an overall maximum density of one dwelling unit for every five acres.

26.10.050 Residential environment.

26.10.051 Residential environment - Purpose.

The residential environment on Richland's shorelines is designed to accommodate residential development and appurtenant structures at a variety of housing types and population densities consistent with the city's comprehensive plan and zoning. Protection is provided against hazards, objectionable influences, traffic, building congestion, and lack of light, air, and privacy. Certain compatible public service installations are permitted in residential use districts. An additional purpose is to provide appropriate public access and recreational uses, particularly associated with multifamily residential development~~use~~.

26.10.052 Residential environment - Designation criteria.

The residential environment designation is applied to shoreline areas inside urban growth areas that are designated by the comprehensive plan as predominantly single-family or multifamily residential development or are planned for residential development.

26.10.053 Residential environment - Management policies.

In applying the use ~~chart~~ table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, ~~sensitive~~ critical area protection, and water quality are provided in this program and in zoning regulations to

assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

B. Residential areas isolated from the shoreline by levees or by intervening land in public ownership will have limited impact on shoreline resources and are not subject to standards such as buffers if the use of the intervening land interrupts natural ecological functions.

26.10.060 Waterfront ~~use~~-environment.

26.10.061 Waterfront environment - Purpose.

The waterfront ~~use~~-environment is a special commercial and residential classification providing for the establishment of such uses as marinas, boat docking facilities, resort motel and hotel facilities, offices, and other similar commercial, apartment, and multifamily uses which are consistent with waterfront-oriented development. This environment encourages mixed special commercial and high-density residential uses to accommodate a variety of lifestyles and housing opportunities, and enhances and maintains existing ecological functions of the shoreline and provides for maximum public access and circulation.

26.10.062 Waterfront environment - Designation criteria.

The waterfront ~~use~~-environment designation is applied to shoreline areas ~~inside urban-growth areas~~ that are designated by the comprehensive plan for waterfront use.

26.10.063 Waterfront environment - Management policies.

In applying the use ~~chart~~ table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Water-oriented uses shall be given highest priority for waterfront sites.

B. Mixed use, resort motel and hotel facilities, special commercial and similar uses are encouraged to maximize public access and provide for aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use, and, through location, design, and operation, ensure the public's ability to enjoy the physical and aesthetic qualities of the shoreline.

C. Physical public access should be provided by the shoreline trail system.

D. Visual access should be provided by the shoreline trail system and by open space that provides congregating areas for people to enjoy the aesthetic qualities of the shoreline, including seating areas and compatible commercial uses.

26.10.070 Industrial conservancy environment.

26.10.071 Industrial conservancy environment - Purpose.

The industrial conservancy environment is applied to the Port of Benton barging facilities in north Richland to provide for transfer of waterborne cargoes to land while

maintaining the current generally undeveloped condition of the shoreline area outside of those areas needed for port facilities.

26.10.072 Industrial conservancy environment - Designation criteria.

The industrial conservancy environment designation is applied to the Port of Benton site on the Columbia River in north Richland.

26.10.073 Industrial conservancy environment - Management policies.

In applying the use ~~chart~~ table in this program (RMC 26.30.011), and the zoning allowed uses, the following shall guide the liberal interpretation of these regulations:

A. Water-dependent uses shall be given highest priority, but should occupy only the area needed for the water-related elements of the use.

B. Other industrial uses should be located outside of shoreline jurisdiction.

C. The shoreline trail should be maintained and enhanced through the site with provisions for interruption of use only when the site is actively used for transfer of waterborne cargoes.

D. The open space and ecological functions of the site, particularly the area between the shoreline trail and the water, should be maintained and enhanced.

26.10.090 Aquatic environment.

26.10.091 Aquatic environment - Purpose.

The purpose of the aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

26.10.092 Aquatic environment - Designation criteria.

The aquatic environment is defined as the area waterward of the ordinary high water mark of all streams, rivers, and other water bodies constituting shorelines of the state, together with their underlying lands and their water column; but does not include associated wetlands and other shorelands shoreward of the ordinary high water mark. This designation is not found on the shoreline environment map, but shall be assigned based on the description above.

26.10.093 Aquatic environment - Management policies.

A. Water-dependent uses and a limited range of water-oriented uses are allowed in the aquatic environment as necessary to meet other objectives of this program, subject to allowed uses in adjacent upland shoreline environment designations and provision of shoreline ecological preservation and enhancement and public access.

B. New over-water structures are allowed only to serve water-dependent uses, public access, or ecological restoration, and should be limited to the minimum necessary to support the structure's intended use. Multiple use of such structures may be required.

C. Transportation, utility facilities, and essential public facilities may be allowed subject to demonstration that no alternative location is feasible.

D. All uses should minimize interference with surface navigation, allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration, prevent water quality degradation, avoid alteration of natural hydrographic conditions, and consider impacts to public views.

E. Ecological enhancement is an allowed and preferred use.

Chapter 26.20 GENERAL REGULATIONS

Sections:

- 26.20.010 Shorelines of statewide significance.
- 26.20.020 Ecological functions and, no net loss.
- 26.20.030 Sensitive Critical areas.
- 26.20.040 Shoreline vegetation conservation.
- 26.20.050 Public access.
- 26.20.060 Signs.
- 26.20.070 Archaeological areas and historic sites.
- 26.20.080 Water quality, stormwater, and nonpoint pollution.
- 26.20.090 Boat and vessel facilities.

26.20.010 Shorelines of statewide significance.

A. Applicability.

1. The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of statewide significance. Within Richland's jurisdiction are shorelines of statewide significance. Shorelines ~~thus so~~ designated are important to the entire state of Washington. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

B. Decision Criteria. Every project located on a shoreline of statewide significance shall address the following criteria in order of preference in all permit reviews, in addition to other criteria provided by this program:

1. Recognize and protect the statewide interest over local interests by:

- a. Recognizing and taking into account state agencies' policies, programs, and recommendations in developing and administering use regulations and in approving shoreline permits.
- b. Recognizing the following statewide interest specific to the Columbia River:
 - i. Protect, preserve and restore natural resources and ecological functions, including, but not limited to, those associated with endangered species or state priority species, commercial and recreational fisheries, and tribal fishing rights;
 - ii. Promote recreational use and public access;
 - iii. Promote water-dependent port uses consistent with other goals of the program.
- c. Recognizing the following statewide interest specific to the Yakima River:

- i. Preserve and restore ecological functions, particularly those associated with endangered species, commercial and recreational fisheries, and tribal fishing rights;
 - ii. Promote recreational use and public access.
- 2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to minimize damage to the ecology and environment of the shoreline as a result of manmade intrusions on shorelines.
 - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment, and to accommodate future growth rather than allowing high intensity uses to extend into low intensity use or underdeveloped areas.
 - c. Protect, preserve, and enhance diversity of vegetation and habitat values, wetlands, and riparian corridors associated with shoreline areas.
- 3. Result in long-term over short-term benefit.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term potential for impairment of natural shoreline functions.
 - b. In general, preserve resources and values of shorelines of statewide significance for future generations, and restrict or prohibit development that would irretrievably damage shoreline resources. Actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Restoration should be required where natural resources of statewide importance are diminished over time by cumulative impacts.
 - c. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities, or general enhancement of shoreline areas.
- 4. Protect the resources and ecology of the shoreline.
 - a. Minimize development activity that will interfere with the natural functioning of the shoreline ecosystem, including, but not limited to, stability, drainage, aesthetic values, and water quality.
 - b. All shoreline development should be located, designed, constructed, and managed to avoid disturbance of and minimize adverse impacts to fish and wildlife resources, including migratory routes and areas used for spawning, nesting, rearing, and habitat.
 - c. Restrict or prohibit public access onto areas with high ecological value which cannot be maintained in a natural condition under intensive human use.

d. Shoreline materials including, but not limited to, bank substrate, soils, beach sands and gravel bars should be left undisturbed by shoreline development. Gravel mining should be severely limited in shoreline areas.

e. Preserve environmentally ~~sensitive~~-critical wetlands for use as open space or buffers and encourage restoration of currently degraded areas.

5. Increase public access to publicly owned areas of the shoreline.

a. Retain and enhance public access to the shoreline, including passive enjoyment, recreation, fishing, and other enjoyment of the shoreline and public waters consistent with the enjoyment of property rights of adjacent lands.

b. Give priority to developing a system of linear access consisting of paths and trails for pedestrians and nonmotorized vehicles along the shoreline areas, providing connections across current barriers such as highways and railroads, and connecting to upland parking that enhances access to the community as a whole.

c. Provide multi-purpose nonmotorized trail facilities also serving the mobility impaired wherever feasible.

6. Increase recreational opportunities for the public on the shoreline.

a. Plan for and encourage development of facilities for recreational use of the shoreline, including boat launches, while preserving or mitigating ecological functions.

b. Retain and enhance public open space and parks along the shoreline to maximize public enjoyment while preserving ecological functions.

26.20.020 Ecological functions, ~~and~~ no net loss.

A. Shoreline land uses and activities that may have adverse impacts on the environment should be minimized or mitigated during all phases of development (e.g., design, construction, management, and use) to ensure no net loss of ecological functions and processes. Permitted uses are designed and conducted to minimize, insofar as feasible, any resultant damage to the ecology and environment. Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance. ~~In recognition of the importance of shorelines in an arid environment to a wide range of bird species, new construction and major renovation projects shall incorporate bird-friendly building materials and design features, including, but not limited to, those recommended by the American Bird Conservancy Guidelines for Bird-Friendly Design.~~

B. An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

1. Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
2. Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
3. Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments. Preference shall be given to measures that replace the impacted functions on site or in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans may be authorized.
6. Monitoring the adverse impact and taking appropriate corrective measures.

C. Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the shoreline master program and the Shoreline Management Act of 1971, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

26.20.030 ~~Sensitive~~-Critical areas.

~~Sensitive~~-Critical areas within the shoreline jurisdiction shall be regulated in accordance with Chapter 26.60 RMC ~~and include:~~

~~Article I. General Provisions;~~

~~Article II. Wetlands;~~

~~Article III. Fish and Wildlife Habitat Areas~~Habitat conservation areas;

~~Article IV. Geologic Hazard Areas;~~

~~Article V. Critical Aquifer Recharge Areas Protection;~~

~~Article VI. Flood Hazard Areas;~~

~~Article VII. General Information.—~~

26.20.040 Shoreline vegetation conservation.

In addition to the ~~sensitive areas~~ Critical Areas standards of Chapter 26.60 RMC, the following shall apply to development on the shoreline:

A. A vegetation management plan for city parks and recreation areas, including both developed and undeveloped lands, that protects ecological functions and results in no net loss of these functions through operations, maintenance, or restoration actions in these areas shall be developed and implemented in coordination with the U.S. Army Corps of Engineers. Include integrated vegetation management for control of invasive weeds, and replace existing invasive species with native or compatible species that perform ecological functions similar to native species. Native species are preferred in underdeveloped areas of the shoreline.

B. A vegetation management plan shall be required for all ~~sensitive area~~ Critical Area buffers ~~s areas~~ with degraded native vegetation within SMA jurisdiction and shall:

1. Maintain adequate cover of native vegetation including trees and understory. If a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community, enhancement plantings shall be installed.
2. Provide a dense screen of native trees at the perimeter of the buffer to provide and protect ecological functions and prevent viewing of adjacent development from within the buffer. If existing vegetation or topographic features are not sufficient for these purposes, planting shall be required. Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen.
3. Provide an integrated vegetation management plan for control of invasive weeds, and replace existing invasive species with native or compatible species.
4. Provide a monitoring and maintenance plan. This provision may be waived by the Shoreline Administrator (or other applicable approval authority) for single-family residential lots.

C. In cases where approved development results in unavoidable adverse impacts to existing shoreline vegetation, mitigation shall be required to ensure that there will be no net loss of the ecological functions. Mitigation shall take place on site to the maximum extent feasible. A guarantee, in the form of a bond or other security device, shall be required to assure successful establishment, including an appropriate monitoring period.

D. Mitigation plans shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule assuring completion prior to occupancy is approved.

E. Lawns and other nonnative vegetation maintained within shoreline jurisdiction shall minimize use of chemical fertilizers, pesticides, herbicides, or other similar substances. Such chemical treatments shall be applied in accordance with manufacturer's recommendations and associated local, state, and federal laws and regulations. Applications in solid time release form shall be preferred over liquid or concentrate

application. Best management practices (BMPs) shall be implemented in all chemical applications.

F. Aquatic weed management by prevention is the first priority. Where active removal or destruction is necessary, it should be the minimum required to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

1. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened, or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
2. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment shall be considered development for which a shoreline permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair, and therefore exempt from the requirement to obtain a shoreline permit.
3. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest.

26.20.050 Public access.

A. Public access on the Columbia River is currently provided by a nearly continuous riverfront trail system developed by the city on public and private lands. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline. Future development may be required to reconfigure the existing trail to provide enhanced public access and fit with specific development plans, including public and private open space.

B. Public access on the Yakima River should be guided by the adopted city and regional trail plans. Future public access on public and private lands should be consistent with the overall strategy for providing continuous trails along the shoreline while taking into consideration the range of ecological functions and sensitivities of different areas. Future development shall provide public access consistent with the trail plan, and may provide additional trails subsidiary to the main trail, where such opportunities are available to provide enhanced public access and fit with specific development plans, including public and private open space.

C. Physical public access is preferred to solely visual access. Where physical public access is determined not feasible, the applicant shall incorporate visual public access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a trail, park, or other area serving as a means of physical approach to public waters.

D. All developments requiring shoreline substantial development or [shoreline](#) special use permits, and all subdivision or development of more than four lots or residential units, shall provide public access to the shoreline unless criteria in subsections (D)(1) and (2) of this section are met:

1. The applicant demonstrates one or more of the following provisions apply:
 - a. Unavoidable health or safety hazards to the public would accompany public access that cannot be avoided by application of alternative design features or other solutions;
 - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features;
 - c. The cost of providing the access, easement, or an alternative amenity, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term cost of the proposed development;
 - d. Unacceptable environmental harm will result from the public access that cannot be mitigated;
 - e. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated; or
 - f. Public access is provided by a public entity through implementation of a public access plan incorporated into its master plan, developed through a public participation process and incorporated into this program.
2. Based on documentation provided by the applicant, the city determines that all reasonable alternatives have been exhausted, including, but not limited to:
 - a. Limiting the size or placement of public access facilities;
 - b. Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - c. Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and
 - d. Providing for access at a site geographically separated from the proposal, including contribution to regional trail or public access plans.

E. The following activities generally are not required to provide public access, except as determined on a case-by-case basis as part of development review:

1. Single-family development of four or fewer units;
2. Dredging;
3. Landfill and excavation;

4. Mining;
5. Private docks serving four or fewer units;
6. Minor additions or changes to an existing use that do not change the configuration of the existing use or add substantial facilities; or
7. Ecological restoration or enhancement activities not associated with a development.

F. Specific provisions for public access shall be evaluated on a case-by-case basis to ensure that they are of the kind, quality and scope to provide a substantial public benefit with respect to the Shoreline Management Act's objectives, and do not create a disproportionate impact on landowners.

G. The amount and configuration of public access required shall depend on the proposed use(s), the range of ecological functions and sensitivities of different areas on a site, the shoreline environmental designation, and the following criteria:

1. Any development or use that creates increased demand for public access to the shoreline shall provide public access to mitigate this impact.
2. Any development or use that interferes with an existing public access shall provide public access to mitigate this impact.
3. Development within the waterfront environment is encouraged to provide public access in the form of a public plaza meeting the criteria in RMC 26.30.040(F)(2).
4. Uses and developments that utilize aquatic lands shall provide public access consistent with maintaining the use and public safety. Public access shall be provided generally equivalent to 10 to 20 percent of the public harbor land or aquatic land utilized. Where over-water access is found to be infeasible pursuant to subsection (D) of this section, upland on- and off-site facilities may be approved as an alternative. Single-family residential uses or uses that are developed with public funding or other public resources are exempt from this criterion.
5. New or expanded dikes and levees shall provide linear public access trails along the facility.
6. Public roads or other public facilities parallel to or crossing shorelines shall provide public access trails or sidewalks within the right-of-way. Additional right-of-way acquisition may be required to provide public access.
7. Public utilities within the shoreline, other than distribution facilities, shall provide public access consistent with maintaining the use and public safety.

H. Public access shall be consistent with the shoreline environmental designation and may consist of a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters, and

may include interpretive centers and displays. Public access improvements shall meet the following location and design criteria:

1. Public access shall be provided as close (horizontally and vertically) as feasible to the water's edge to provide the general public with opportunity to reach, touch, view, and enjoy the water's edge; provided, that public access does not adversely affect ~~sensitive~~-critical ecological features or lead to an unmitigated reduction in ecological functions.
2. If open space is provided along the shoreline in the form of ~~sensitive~~-critical area buffers, and public access can be provided in a manner that will not result in a loss of ecological function, a public pedestrian access walkway along and parallel to the waterfront of the property is the preferred design. The walkway shall be set back from ~~sensitive~~-critical features and may provide only limited and controlled access to the water's edge. Fencing may be provided to control damage to plants and other ecologically sensitive features and shall provide for wildlife movement. Soft surface trails of limited width should be specified, where appropriate, to reduce impacts to ecologically sensitive resources.
3. Public access shall be connected directly to the nearest public street; shall include provisions for physically impaired persons where feasible and where additional impact on ecological functions will not occur; and shall be located adjacent to and connect with other public areas, accesses, and connecting trails.
4. Where physical access to the water's edge is not present or appropriate, a public viewing area shall be provided in cases where views of the water or shoreline are available.
5. In natural open space zones, the need for trails for ADA access should be balanced with the extent of alteration of the natural environment required to accommodate such facilities.
6. Design shall minimize intrusions of privacy for both site users and public access users by avoiding locations adjacent to windows and/or outdoor private open spaces, or by screening or other separation techniques.
7. Design shall provide for the safety of users, including the control of offensive conduct through providing public visibility (not including removal of buffer vegetation), or provision of specific oversight. The administrator may authorize public access to be temporarily closed to develop a program to address offensive conduct. If offensive conduct cannot be reasonably controlled, alternative facilities may be approved as a permit revision.
8. Public amenities appropriate to the use of the public access space shall be provided. These amenities may include, but are not limited to, benches, picnic tables, public docks and sufficient public parking.

9. Public restrooms and facilities for animal waste may be required as part of public access amenities for developments by public entities or commercial developments that attract a substantial number of persons.

I. View Protection.

1. Shoreline development shall be designed to avoid blocking, reducing, or adversely interfering with the public's existing visual access to the water and shorelines.

2. Development and uses on public lands such as parks, open space, street ends, rights-of-way and utilities shall provide visual access corridors where views of water bodies are available from public roadways and public viewpoints to the extent feasible, consistent with facilities for water-dependent use or recreation use and maintenance of native vegetation within required buffers ~~for sensitive areas~~.

J. Public access shall be maintained over the life of the use or development. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.

1. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity, or in accordance with provisions for guaranteeing installation through a performance assurance.

2. Public access provisions shall be recorded as an easement or a dedication to the public on the face of a plat or short plat. Said recording with the Benton County auditor's office shall occur at the time of building permit approval or plat recordation, whichever comes first.

3. Maintenance of the public access shall be the responsibility of the owner unless expressly accepted by a public or nonprofit agency.

4. The minimum width of public access easements shall be 15 feet, unless the city determines that undue hardship would result. In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.

5. Public access shall be available to the public 24 hours per day unless specific exceptions are granted through the shoreline substantial development permit process where safety hazards to users or adjacent uses are substantiated.

6. Public access signs bearing the standard state-approved logo or other approved design shall be installed and maintained by the applicant and owner. The sign(s) must indicate the public's right of access and hours of access, and shall be installed in conspicuous locations at public access sites. Signs may display restrictions of public access as approved by a specific condition of permit approval.

K. Public access afforded by shoreline street ends, public utilities and rights-of-way shall be preserved, maintained and enhanced pursuant to RCW 35.79.035 and 36.87.130.

26.20.060 Signs.

A. All signs shall be located and designed to be compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses. Signs shall minimize interference with vistas, viewpoints, and visual access to the shoreline.

B. All signs shall be permitted in accordance with the procedures of RMC Title 27 in addition to this ~~program~~[SMP](#).

C. Freestanding commercial signs are prohibited between buildings and the shoreline, except for public information signs.

D. Except where no feasible location outside of SMA jurisdiction is available, signs placed in SMA jurisdiction should be limited to public information signs directly relating to a shoreline use or activity, water navigational signs, and legally required highway and railroad signs necessary for operation, safety and direction.

E. Over-water signs or signs on floats or pilings shall be allowed only when serving a related water-dependent use, and only when the primary users of the facility approach by water and would not be served by land-mounted signs.

F. Lighted signs shall be hooded, shaded, or aimed so that lighting will not result in glare when viewed from public access facilities or watercourses.

G. Conceptual sign plans and design guidelines shall be submitted for review and approval at the time of shoreline permit application, and shall be utilized in future review of sign permits for the property.

H. Signs shall not be permitted where their location or design obstructs or otherwise interferes with traffic movement, or where the location or orientation unnecessarily interferes with upland users.

26.20.070 Archaeological areas and historic sites.

Included on Richland's shorelines are areas known to be of significant archaeological and historic value. The Washington State Department of Archaeology and Historic Preservation is recognized as the authority on matters concerning areas recorded as important archaeological or historic sites. In addition, memoranda of understanding with tribes should apply in accordance with the terms of such agreement(s).

A. Prior to approval of any permit requests, city of Richland staff shall consult with the Washington State Department of Archaeology and Historic Preservation for the purpose of identifying potentially valuable archaeological data, and for recommendations concerning preservation or salvage of the data identified.

B. Developers and property owners shall, in the event of discovery of archaeological resources during excavation, immediately stop work and notify the city of Richland and the Washington State Department of Archaeology and Historic Preservation. Development may resume only after approval by the Department of Archaeology and Historic Preservation (DAHP). The city or DAHP will notify tribes if the nature of the resource so warrants.

C. Where a professional archaeologist or historian recognized by the state of Washington has identified an area or site as having significant cultural value, or where such area is listed on a national, state, or local historic register, the city may require evaluation of the resource and application of appropriate mitigation measures as a condition of permit issuance.

D. Permits for development in shoreline areas documented to contain archaeological resources shall require inspection of the site prior to and during construction by a professional archaeologist in coordination with potentially affected Indian tribes.

26.20.080 Water quality, stormwater, and nonpoint pollution.

A. All development activities approved under this title shall be designed and maintained in a manner consistent with the city's stormwater management plan and adopted engineering design standards. All proposed stormwater control and stormwater discharges shall be in compliance with the latest Department of Ecology Stormwater [Management](#) Manual for Eastern Washington [adopted by the City](#).

B. Shoreline development shall be designed and maintained to minimize the need for chemical treatments, including application of fertilizers, pesticides and herbicides, in order to prevent contamination of surface and ground water resources.

C. All structures placed within water bodies or that may come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals. Materials treated with creosote are prohibited in the shoreline environment.

26.20.090 Boat and vessel facilities.

A. All boating uses, development, and facilities shall protect the rights of navigation, shall demonstrate that they result in no net loss of ecological functions, and may be required to provide on-site and off-site mitigation.

B. Shared moorage serving single-family uses consisting of docks and piers with more than four berths, commercial moorage available to the general public, and moorage related to clubs or other groups not associated with a particular residential development are regulated as marinas under RMC 26.30.060.

C. Joint-use/shared docks and piers with four or fewer berths or any number of mooring buoys are regulated under this section.

D. Boating facilities shall avoid:

1. Braided or meandering river channels where the channel is subject to change in alignment or on point bars or other accretion beaches;
2. Areas where shoreline modification is required for approach and other upland facilities;
3. Locations where they would adversely impact upland riparian or nearshore habitat for aquatic species;

4. Locations where they would adversely affect flood channel capacity or create a flood hazard; and

5. Locations where water depths for vessels are not adequate without dredging.

E. Boating facilities, except those accessory to single-family residences, shall provide public access in accordance with RMC 26.20.050, Public access, and shall be located and designed such that existing public access to public shorelines is not obstructed nor made hazardous.

F. All in- and over-water structures shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Wood treated with creosote, pentachlorophenol, or other similarly toxic materials is prohibited. Docks generally shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete, or steel.

G. Vessels shall be restricted from extended mooring on waters of the state except when such mooring is allowed by state regulations, a lease or other permission is obtained from the state, and impacts to navigation and public access are mitigated.

H. Boat Launches.

1. Boat launches accessory to single-family and multifamily residential uses are prohibited.

2. Private boat launches shall be allowed only for water-dependent uses and marinas, and only when it is demonstrated that public boat launches will not feasibly serve the use. Rail and track systems shall be preferred over concrete ramps.

3. New public boat launches for general public use, or expansion of public boat launches by adding launch lanes, shall demonstrate that:

a. Water depths are adequate to avoid the need for dredging and eliminate or minimize potential loss of shoreline ecological functions or other shoreline resources from offshore or foreshore channel dredging.

b. Adjacent residential properties will not be adversely affected by adverse proximity impacts such as noise, light and glare, or scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

c. Exterior lighting will not adversely impact aquatic species.

d. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.

e. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, shall minimize traffic impacts on nearby streets, and shall include adequate parking for boat trailers. Parking on public streets may be allowed for peak periods if it is demonstrated that such parking will not adversely impact through traffic or residential uses.

I. New moorage to serve a single-family residence may be allowed only if:

1. An applicant demonstrates that existing facilities (boat launches and public and private marinas) are not reasonably available to meet demand.
2. The lot does not have access to shared moorage in an existing subdivision and there is no homeowners' association or other corporate entity capable of developing shared moorage.
3. In cases where a new dock or pier is approved, the city may require an agreement to share with nearby residences with water frontage and provide for expansion to serve such additional users.

J. A dock or pier serving a single-family residence shall meet the following standards:

1. Piers and Ramps.

a. To prevent damage to shallow-water habitat, piers and/or ramps shall extend at least 40 feet perpendicular from the ordinary high water mark (OHWM). In some instances and sites, it may not be practical to extend a ramp 40 feet from the OHWM (for instance, where this could conflict with navigation). The city may grant exceptions on a case-by-case basis based on documentation of specific limitations that exist, and in coordination with other permitting agencies.

b. Piers and ramps shall be no more than four feet in width.

2. The bottom of either the pier or landward edge of the ramp shall be elevated at least two feet above the plane of the OHWM.

a. Grating shall cover the entire surface area (100 percent) of the pier and/or ramp. The open area of grating shall be at least 50 percent, as rated by the manufacturer.

b. Skirting shall not be placed on piers, ramps, or floats. Protective bumper material will be allowed along the outside edge of the float as long as the material does not extend below the bottom edge of the float frame or impede light penetration.

c. Shoreline concrete anchors must be placed at least 10 feet landward from the OHWM, and shall be sized no larger than four feet wide by four feet long, unless otherwise approved by the city, NOAA Fisheries, the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife. The maximum anchor height shall be only what is necessary to elevate the bottom of either the pier or landward edge of the ramp at least two feet above the plane of the OHWM. The intent of this criterion is to limit impacts to riparian vegetation along the shoreline. The city may grant exceptions from the 10-foot landward requirement on a case-by-case basis if site conditions warrant based on documentation of specific limitations that exist, and in coordination with other permitting agencies.

3. Preservatives.

- a. The dock shall be built with materials that do not leach preservatives or other materials.
- b. No treated wood of any kind shall be used on any over-water structure (float, pier, or ramp).
- c. No paint, stain, or preservative shall be applied to the over-water structure.

4. General.

- a. No electricity shall be provided to, or on, the over-water structure.
- b. No boat lifts or watercraft lifts (e.g., jet ski lifts) of any type will be placed on, or in addition to, the over-water structure. The city may grant exceptions on a case-by-case basis in coordination with other permitting agencies if the applicant can demonstrate that the proposed boat lift meets the intent of the criteria to minimize structure, maximize light penetration, and maximize depth. However, these structures must meet the size criteria of the plan (total 160 square feet).
- c. Shoreline armoring (i.e., bulkheads, rip-rap, and retaining walls) shall not occur in association with installation of the over-water structure.
- d. Construction of the over-water structure shall be completed during the in-water work window (November 1st to February 28th).

5. Piling and Float Anchors.

- a. Piling shall not exceed eight inches in diameter. The intent of this criterion is not to require existing pilings to be removed, cut, or capped, but to place limits on the size of new pilings. The city may grant exceptions on a case-by-case basis in coordination with other permitting agencies in areas where safety considerations merit larger pilings.
- b. Pilings shall be spaced at least 18 feet apart on the same side of any component of the over-water structure. The pier/ramp and float are separate components.
- c. Each over-water structure shall utilize no more than four piles total for the entire project. A combination of two piles and four helical anchors may be used in place of four piles.
- d. All pilings shall be fitted with devices to prevent perching by piscivorous (fish-eating) birds.
- e. Submerged float anchors will be constructed from concrete, and shall be horizontally compressed in form, by a factor of five or more, for a minimum profile above the stream bed (the horizontal length and width will be at least five times the vertical height). A helical screw anchor may be utilized where

substrate allows. The owner shall be responsible for demonstrating feasibility and for proper installation such that anchor displacement does not occur.

f. No in-water fill material will be allowed, with the exception of pilings and float anchors. Uncured concrete or its by-products shall not be allowed.

6. Floats.

a. Float components shall not exceed the dimensions of eight by 20 feet, or an aggregate total of 160 square feet, for all float components.

b. Flotation materials shall be permanently encapsulated to prevent breakup into small pieces and dispersal in water (e.g., rectangular float tubs).

c. Grating shall cover 100 percent of the surface area of the float(s). The open area of the grating shall be no less than 50 percent, as rated by the manufacturer.

d. Functional grating will cover no less than 50 percent of the float.

e. Floats shall not be located in shallow-water habitat where they could ground or impede the passage or rearing of any salmonid life stage.

f. Nothing shall be placed on the over-water structure that will reduce natural light penetration through the structure.

g. Floats shall be positioned at least 40 feet horizontally from the OHWM and no more than 100 feet from the OHWM, as measured from the landward-most edge of the float. Adjustments to this requirement may be made on an individual basis where strict compliance with this standard may present safety issues or be excessive for site conditions.

h. Project construction shall cease under high flow conditions that could result in inundation of the project area, except for efforts to avoid or minimize resource damage.

K. Shared residential docks and piers shall generally meet the standards for single-family docks above, except that the number of floats and the size of piers and other facilities may be increased to serve additional slips to provide one moorage space per residence served.

L. Docks and piers shall be set back a minimum of 10 feet from side property lines, except that joint-use facilities may be located closer to, or upon, a side property line when agreed to by contract or covenant with the owners of the affected properties. This agreement shall be recorded with the Benton County auditor, and a copy filed with the shoreline permit application.

M. Moorage Related to Subdivision.

1. New subdivisions and short plats shall contain a restriction on the face of the plat prohibiting individual docks. A site for community or shared moorage shall be designated on the plat and owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to lots with water frontage in the subdivision. The over-water area of the dock shall be made available to other lots and the public for community access, and may be required to provide public access depending on the scale of the facility.

2. Approval of a shared moorage for a subdivision shall be subject to the following criteria:

a. There is no reasonably available public or private moorage that can serve the moorage needs of the residences or the subdivision.

b. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. One moorage space per lot may not be presumed.

c. The size of a dock must consider the use of mooring buoys for some or all moorage needs, and the use of all or part of the dock to allow tender access to mooring buoys.

d. Public access shall be provided in all shared docks utilizing public aquatic lands that accommodate five or more vessels.

3. If a community or shared dock is not developed at the time of subdivision, a community association shall be established with the authority to levy assessments within the subdivision to construct and maintain a community dock in the future. The failure of a subdivision to develop a community or shared dock shall not affect the prohibition on individual docks.

N. Multifamily residences, hotels, motels, and other commercial developments proposing to provide moorage facilities shall meet the criteria for a marina. Use of the moorage must be open to the general public on the same basis as residents or occupants and shall provide public access. If approved, no more than one joint-use moorage facility may be provided for a parcel or development.

O. Applications for docks or piers serving single commercial or industrial enterprises shall demonstrate that:

1. The facility serves a water-dependent use;

2. The facility is the minimum size required to serve the proposed use; provided, that provisions for expansion or future joint use may be provided; and

3. The facility minimizes impacts to the extent feasible. Where impacts are unavoidable, the facility mitigates impacts to navigation, aquatic habitat, upland habitat, public access to the water for recreation, fishing and similar use, and public access to publicly accessible lands below the OHWM.

P. Commercial or industrial moorage facilities shall demonstrate that:

1. The dock or pier shall be the minimum length required to serve the use.
2. Access from the shore to piers or floats shall minimize water cover in order to minimize impacts to shallow-water habitat.
3. Piers and ramps shall be elevated to provide the maximum feasible light penetration.
4. Grating, or clear translucent material, shall be utilized to the maximum extent feasible to provide light penetration.
5. Floats shall be constructed and attached so that they do not ground out on the substrate.
6. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment.
7. Pile diameter shall be minimized while meeting structural requirements.
8. Covered structures may be permitted only to serve a water-dependent use where it is demonstrated that adequate upland sites are not feasible, and it is demonstrated that the area covered is the minimum necessary to serve the use.

Chapter 26.30 USE REGULATIONS

Sections:

26.30.010	Use and dimensional standards.
26.30.011	Use table.
26.30.012	Bulk and dimension chart table .
26.30.013	Provisions for additional height in the waterfront environment.
26.30.020	Agriculture.
26.30.030	Aquaculture.
26.30.040	Commercial development.
26.30.050	Industrial development and port facilities.
26.30.060	Marinas.
26.30.070	Mining.
26.30.080	Recreation.
26.30.090	Residential development.
26.30.100	Transportation facilities.
26.30.110	Utilities.

26.30.010 Use and dimensional standards.

26.30.011 Use table.

The following use activity-shoreline environment compatibility ~~chart~~[table](#) shall be consulted as a general guide to determine permitted uses in the various shoreline environments. Use activities permitted or requiring a [shoreline](#) special use permit must be developed in accordance with all policies and regulations of the shoreline [master](#) program.

A. All land uses allowed are subject to the preference for water-oriented uses and subject to specific criteria for uses included in these regulations.

B. Uses allowed in the aquatic environment are those allowed in the adjacent upland environment, limited to water-dependent use, ecological enhancement, and those transportation and utility facilities and essential public facilities for which no alternative location is feasible.

C. If a use is prohibited in the underlying zoning district, it is also prohibited in the shoreline.

D. KEY: X = Prohibited, P = Permitted, A = Permitted as an Accessory Use, SU = [Shoreline](#) Special Use Permit.

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Resource Uses							
Agricultural Use	X	X	X	P	X	X	X
Raising Crops, Trees, Vineyards	X	X	X	P	X	X	X
Limited Raising or Keeping of Small and Large Livestock	X	X	X	P	X	X	X
Roadside Stands and On-Farm Markets for Marketing Fruit or Vegetables	X	X	X	P	X	X	X
Animal Feeding Operations/Concentrated Animal Feeding Operations (AFO/CAFOs)	X	X	X	SU	X	X	X
Mining	X	X	X	SU	X	X	X
Automotive, Marine and Heavy Equipment							
Automotive Repair Shops/Service Stations/Part Sales	X	X	X	X	X	X	X
Boat Building	X	X	X	X	X	X	X
Car Wash – Automatic or Self- Service	X	X	X	X	X	X	X
Large Equipment Sales/Rental/Repair/Service	X	X	X	X	X	X	X
Marinas	X	X	SU	X	X	SU	X
Marine Equipment Rentals	X	X	X	X	X	P	X
Marine Gas Sales	X	X	X	X	X	SU	X
Marine Repair	X	X	X	X	X	P	X
Outdoor Sales/Rentals	X	X	X	X	X	X	X
Warehousing, Wholesale Use	X	X	X	X	X	X	P
Business and Personal Services							
Animal Shelter	X	X	X	SU	X	X	X
Commercial Kennel	X	X	X	SU	X	X	X
Contractors' Offices	X	X	X	X	X	X	X
Funeral Establishments	X	X	X	SU	X	X	X
General Service and Personal Services Businesses	X	X	X	X	X	P	X
Health/Fitness Facility	X	X	X	X	X	A	X
Health Spa	X	X	X	X	X	P	X
Animal Hospital/Clinic	X	X	X	SU	X	X	X
Laundry/Dry Cleaning, Retail	X	X	X	X	X	P	X
Mini-Warehouse	X	X	X	X	X	X	X

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Photo Processing, Copying, Mailing and Printing Services	X	X	X	X	X	P	X
Video Rental Store	X	X	X	X	X	P	X
Cafeterias	X	X	A	X	X	A	X
Delicatessen	X	X	X	X	X	P	X
Drinking Establishments/Breweries/Wineries	X	X	X	X	X	P	X
Portable Food Vendors	X	X	X	X	X	A	X
Restaurants/Drive-Through	X	X	X	X	X	X	X
Restaurants	X	X	X	X	X	P	X
Industrial/Manufacturing Uses							
Port Facilities for Transferring Materials from Vessels to the Shore and Temporary Staging Prior to Transportation Off Site	X	X	X	X	X	X	P
Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits	X	X	X	SU	X	X	X
Manufacturing Uses	X	X	X	X	X	X	X
Research, Development and Testing Facilities	X	X	X	X	X	X	X
Wholesale Facilities and Operations	X	X	X	X	X	X	X
Wineries – Production	X	X	X	SU	X	X	X
Office Uses							
Office	X	X	X	X	X	P	X
Schools, Commercial	X	X	X	X	X	P	X
Travel Agencies	X	X	X	X	X	P	X
Public/Quasi-Public Uses							
Churches/Clubs or Cultural Institutions	X	X	X	SU	P	P	X
Public Park	SU	P	P	P	P	P	P
Golf Course	X	X	SU	SU	P	P	X
General Park O&M Facility	X	X	SU	SU	P	X	X
Hospitals	X	X	X	X	SU	X	X
Passive Open Space Use	P	P	P	P	P	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	SU	SU	SU	P	P	P	P

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Electrical Substations	X	X	X	X	X	X	X
Public Agency Buildings or Facilities	X	X	X	P	P	P	X
Public Campgrounds	X	X	P	SU	P	P	X
Schools	X	X	X	P	P	P	X
Schools, Alternative	X	X	X	P	P	X	X
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	X	X	P	P	P	P	X
Trail Head Facilities for Equestrian, Pedestrian, or Nonmotorized Vehicle	X	P	P	P	P	P	P
Trails for Pedestrian Use Only	P	P	P	P	P	P	P
Trails for Equestrian or Nonmotorized Vehicle Use	SU	P	P	P	P	P	P
Recreational Uses							
Art Galleries or Arcades	X	X	X	X	X	P	X
Boat Mooring Facilities	X	X P	X P	X P	X P	P	X SU
Cinema, Indoor	X	X	X	X	X	P	X
Commercial Recreation, Indoor	X	X	X	X	X	P	X
Commercial Recreation, Outdoor	X	X	X	SU	X	P	X
House Banked Card Rooms	X	X	X	X	X	P	X
Recreational Vehicle Campgrounds	X	X	X	SU	X	X	X
Recreational Vehicle Parks	X	X	X	X	X	X	X
Stable, Public	X	X	X	X	X	X	X
Theater	X	X	X	X	X	P	X
Residential Uses							
Accessory Dwelling Unit	X	X	X	A	A	A	X
Apartment, Condominium (3 or more units)	X	X	X	X	X	P	X
Assisted Living Facility	X	X	X	X	P	P	X
Bed and Breakfast	X	X	X	SU	SU	P	X
Day Care Center	X	X	X	SU	SU	P	X
Dormitories, Fraternities, and Sororities	X	X	X	X	P	P	X
Dwelling, One-Family	X	X	X	P	P	X	X

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Dwelling, Two-Family Detached	X	X	X	X	X	P	X
Dwelling Units for a Resident Watchman or Custodian	X	X	X	A	A	A	X
Emergency Housing	X	X	X	P	P	X	X
Emergency Shelters	X	X	X	P	P	X	X
Houseboats	X	X	X	X	X	X	X
Hotels or Motels	X	X	X	X	X	P	X
Nursing or Rest Home	X	X	X	X	X	P	X
Permanent Supportive Housing	X	X	X	X	X	P	X
Temporary Residence	X	X	X	P	P	P	X
Transitional Housing	X	X	X	X	X	P	X
Retail Uses							
Adult Use Establishments	X	X	X	X	X	X	X
Apparel, Book, Drug, Florist or Other Specialty Retail	X	X	X	X	X	P	X
Building, Hardware, Garden Supply, Nursery, Feed Stores or Outdoor Sales	X	X	X	X	X	X	X
Food Stores	X	X	X	X	X	P	X
Miscellaneous Uses							
Bus Station, Transfer Station or Terminal	X	X	X	X	X	X	X
Community Festivals and Street Fairs	X	X	P	P	P	P	X
Convention Center	X	X	X	X	X	P	X
Macro-Antennas	SU	SU	SU	SU	P	P	SU
Storage in an Enclosed Building	X	X	X	X	A	A	X
Transportation							
Roads and Railroads Serving Shoreline Uses	X	SU	SU	SU	SU	SU	SU
Roads and Railroads Not Serving Shoreline Uses	X	SU	SU	SU	SU	SU	SU
Parking Areas Serving Primary Use within the Shoreline	X	P	P	P	P	P	P
Parking Areas Not Serving Primary Use within the Shoreline	X	X	X	X	X	X	X
Parking as a Principal Use	X	X	X	X	X	X	X
Utilities							

Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Public and Private Utility Distribution Serving Shoreline Uses, Water, Sewer, Electrical, Gas, and Communication	X	P	P	P	P	P	P
Public and Private Utility Distribution Serving Uses within the City	X	P	P	P	P	P	P
Utility Facilities Serving Uses Not within the City	SU	SU	SU	SU	SU	SU	SU
Electrical Transmission of Greater Than 50 Kilovolts	SU	SU	SU	SU	SU	SU	SU
Electric Transmission/Distribution Substations	X	X	X	X	X	X	X
Utility Buildings Including Pump Stations	X	SU	SU	SU	SU	SU	SU
Communication Antennas	X	SU	SU	SU	SU	SU	SU
Monopole	X	SU	SU	SU	SU	X	SU
Other							
Structures for Flood Management, Including Drainage or Storage and Pumping Facilities	X	SU	SU	SU	SU	SU	SU
Fish and Wildlife Resource Enhancement	P	P	P	P	P	P	P
Essential Public Facilities	SU	SU	SU	SU	SU	SU	SU
USES NOT SPECIFIED	SU	SU	SU	SU	SU	SU	SU

26.30.012 Bulk and dimension ~~chart~~table.

Standard	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Sensitive Critical Area Buffer Water-Dependent Use	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹
Sensitive Critical Area Buffer Non-Water-Dependent Use	As provided by Table 26.60.024(D), Wetland Buffer Widths, Table 26.60.042, Riparian Buffer Width Subject to applicable requirements in Chapter 26.60.						
Minimum Building Setback from OHWM Water-Dependent Use	NA ²	NA ^{1,2}	NA ¹	NA ¹	NA ¹	NA ¹	NA ¹
Minimum Building Setback	NA ²	15 feet (except for residential, which is 25 feet) from the edge of the applicable riparian buffer any buffers required by Chapter 26.60, or 15 feet (except for residential, which is 25 feet) from the landward edge of a					

Standard	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy
Non-Water-Dependent Use		roadway, canal, levee, paved trail or parking area. as applicable, as provided in Table 26.60.042²					
Minimum Front Yard Setback	As provided by zoning						
Minimum Side Yard Setback	As provided by zoning						
Minimum Rear Yard Setback	As provided by zoning						
Minimum Lot Width – One-Family Attached Dwellings	As provided by zoning						
Minimum Lot Area	As provided by zoning						
Maximum Density – Multifamily Dwellings (units/square feet)	NA	NA	NA	NA	NA	1:1,500	NA
Maximum Lot Coverage	0%	5%	10%	10%	40%	NA	20%
Maximum Building Height	NA ²	16 feet	35 feet	25 feet	35 feet	35/55 feet ³	35 feet
Maximum Building Height – Detached Accessory Buildings	NA ²	16 feet	16 feet	16 feet	16 feet	35 feet	35 feet

1. No ~~sensitive~~critical area buffer or building setback applies to water-dependent elements of a water-dependent use.
2. Buildings are not allowed in locations designated with the natural ~~open space-zoning district~~environment shoreline environment designation.
3. Building height may be increased to up to 55 feet in the waterfront environment subject to the provisions of RMC 26.30.013.

26.30.013 Provisions for additional height in the waterfront environment.

Structures in the waterfront environment may exceed a height of 35 feet based upon a review of the site plan and structure and compliance with the following criteria:

A. Additional open space or a plaza is provided on the site that earns bonus floor area in accordance with RMC 26.30.040(F)(2).

B. The hearing examiner finds that:

1. The increased building height will not obstruct the view of a substantial number of residences on areas adjoining such shorelines;
2. Overriding considerations of the public interest will be served by providing additional public open space and facilities that enhance public enjoyment of the shoreline;
3. The proposed building is aesthetically pleasing in relation to buildings and other features in the vicinity; and
4. The building is located a sufficient distance from the Columbia River to avoid creating a visual barrier.

26.30.020 Agriculture.

A. This program shall not restrict lawfully existing agriculture activities that have been discontinued for less than five years. An agricultural use shall not be considered discontinued if it is allowed to lie fallow in which it is plowed and tilled but left unseeded; allowed to lie dormant as a result of adverse agricultural market conditions; or allowed to lie dormant because the land is enrolled in a local, state, or federal conservation program.

B. All new agricultural activities and facilities on land not meeting the definition of agricultural land are governed by this program and shall observe the ~~sensitive~~-critical area standards and buffer requirements of this program and the criteria in this section.

C. Agricultural activities shall follow recognized best management practices (BMPs) that improve or maintain water quality and quantity, reduce soil erosion, maintain or improve soil conditions, and provide for wildlife habitat. These BMPs include applicable best management practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service's Field Office Technical Guide.

The applicant is encouraged to coordinate with the Benton County conservation district and the natural resources conservation service in the development of best management practices for their agricultural activity.

D. New intensive agricultural activities such as animal feeding operations/concentrated animal feeding operations (AFO/CAFOs) and row cropping requiring intensive application of fertilizers, animal waste, herbicides and pesticides shall be located outside of shoreline jurisdiction, unless the proposed use is within an established agricultural area and no alternative agricultural activity is feasible. New intensive agricultural activities shall be implemented in accordance with a farm conservation plan including a monitoring program that assures no net loss of ecological functions.

E. New facilities for liquid manure storage shall be located outside of shoreline jurisdiction unless no alternative location is feasible and a shoreline special use permit is obtained. New liquid manure storage facilities shall be implemented in accordance with a farm conservation plan including a monitoring program that assures no net loss of ecological functions.

F. New manure spreading operations shall be carried out so that animal wastes do not enter water bodies, wetlands, or ground water recharge areas.

G. The construction of a barn or similar agricultural structure is exempt from obtaining a [shoreline](#) substantial development permit, but [nonetheless](#) must comply with the regulations of this program.

26.30.030 Aquaculture.

Aquaculture is the culture of farming of foodfish, shellfish, or other aquatic plants and animals. Potential locations for aquacultural enterprises are relatively restricted due to specific requirements for water quality, temperature, flows, and oxygen content. Policies and regulations for aquaculture, therefore, recognize the necessity for some latitude in the development of this emerging economic water use, as well as its potential impact on existing uses and natural systems.

A. Aquaculture is a preferred water-dependent use, but may be permitted only if impacts to ecological resources and existing land uses can be mitigated. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, or establish new nonnative species which cause significant ecological impacts.

B. Aquaculture activities shall be located so as to not unduly restrict navigation.

C. Aquaculture structures shall be placed in such a manner as to minimize interference with, or danger to, surface navigation, and so as not to impair the aesthetic quality of the shorelines.

D. Aquaculture development shall make reasonable provisions to control nuisance factors such as excessive noise or odor.

E. Aquaculture wastes shall be disposed of in a manner that will prevent degradation of associated upland, wetland, shoreline, or water environments.

F. Aquaculture activities shall make all feasible provisions to maintain the general aesthetic quality of the shoreline.

26.30.040 Commercial development.

Shoreline commercial uses, including offices, restaurants, general retail sales, hotels, motels and convention centers, are recognized as being most suitable in the waterfront environment already developed at urban intensities. Policies and regulations for these uses encourage developments having a functional dependency on shoreline location and water orientation, and which afford maximum public access, use, and circulation along the waterfront.

A. Commercial development in shoreline areas shall be designed, located, and constructed to achieve no net loss of ecological functions.

B. Preference shall be given to water-dependent commercial uses over non-water-dependent commercial uses. Water-related uses shall be given priority over non-water-related uses.

C. Commercial development that is not water-dependent shall not be allowed over water except where it is located within the same building and is accessory to and necessary for a water-dependent use.

D. Non-water-oriented commercial development shall be allowed only when:

1. The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to provision of public access and/or ecological restoration; or
2. Navigability is severely limited at the proposed site, and the commercial use provides a significant public benefit with respect to provision of public access and/or ecological restoration.

E. In areas of the shoreline designated for commercial use, non-water-oriented commercial uses may be allowed on sites physically separated from the shoreline by another property in separate ownership or public road right-of-way.

F. Uses within the waterfront environment shall be designed to provide multiple uses that enhance cultural and related commercial facilities to enhance and diversify the public's experience of the shoreline, including tourists, by providing water-oriented and enjoyment uses and community recreational resources and providing public access and view corridors. Uses in this area must meet the following additional criteria:

1. Development is subject to Chapter 23.48 RMC, Site Plan Review, as adopted or subsequently amended.
2. Public open space for public access and to accommodate water-enjoyment uses and other uses allowing public visual access to the waterfront, such as restaurants, is a preferred use and may earn bonus floor area in buildings between 35 and 55 feet in height, subject to the following criteria:
 - a. Public open space in excess of 15 percent of the area of shoreline jurisdiction on a site may earn one square foot of building floor area for each square foot of open space, up to 20,000 square feet, provided the following criteria are met:
 - i. The open space area must abut the Riverside Trail on at least half its total width;
 - ii. The open space must be at the elevation of the Trail;
 - iii. The open space may extend no further than 50 feet from the edge of the Trail;
 - iv. The open space must be accessible to the public at all times;
 - v. The open space must consist of grass turf or other surface that will accommodate pedestrian foot traffic;

- vi. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space; and
 - vii. Planting areas for ornamental vegetation not allowing foot traffic are excluded from the area qualifying for bonus floor area.
- b. Public open space plazas may earn additional bonus floor area, of four square feet of building floor area for each square foot of open space, up to 10,000 square feet, in addition to any area earned by subsection (F)(2)(a) of this section, if the facility meets the following criteria:
- i. The open space area must abut the Waterfront Trail on at least 20 percent of its total perimeter;
 - ii. The open space must be at the elevation of the Trail;
 - iii. The open space may extend no further than 75 feet from the edge of the Trail;
 - iv. The open space must be accessible to the public at all times;
 - v. The open space must consist of a hard surface of concrete, brick, pavers, or similar materials. Permeable surfaces are encouraged to the extent feasible;
 - vi. Shade shall be required by trees planted in grates at grade level allowing pedestrian passage over grates at a minimum ratio of one tree per 1,600 square feet of plaza area;
 - vii. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space;
 - viii. The open space must be abutted by building frontage at the same elevation as the plaza, and with ground floor clear vision glass and door access at a spacing of no less than 50 feet on at least 50 percent of its total perimeter;
 - ix. At least 50 percent of the building perimeter must be retail or restaurant use; and
 - x. Planting areas for ornamental vegetation at the perimeter of the plaza in areas without clear glass building frontage may be allowed on up to 10 percent of the plaza area if the beds of such landscaping are within 18 inches of the plaza elevation.
 - xi. Additional bonus area of two square feet of building floor area for each square foot of open space, up to 2,000 square feet in addition to any area earned by the provisions above, may be earned by dedication of an area of outside seating at a restaurant, coffee shop, or similar use. Up to 50 percent of the qualifying bonus area may be devoted to sale of liquor.

c. The administrator may allow interim use of retail or restaurant building frontage for office or other compatible use if the building owner documents a good faith effort to procure retail or restaurant tenants. Such interim use may be approved for a period of up to three years, and may be renewed upon demonstration of meeting the same criteria.

3. Public view corridors that provide the public with an unobstructed view of the water from adjacent public streets to the Columbia River shall be provided in the waterfront environment subject to the following criteria:

a. View corridors shall extend from the public street providing access to the site and shall extend to the water's edge.

b. Preferred locations for view corridors are along property lines.

c. Width of view corridors shall be determined based on the potential for providing views in new development and redevelopment, and shall be based on topography, parcel size, and effects on development potential.

d. Development and uses within view corridors shall be limited to prevent obstruction of the corridor.

e. Establishment of a view corridor shall not allow for clearing or removal of ~~shoreline buffer~~ vegetation required in buffers as provided in critical area regulations.

f. View corridors shall be recorded as an easement in accordance with the provisions of RMC 26.20.050, Public access.

26.30.050 Industrial development and port facilities.

Policies and regulations for ports and water-associated industrial development are intended to accommodate the particular dependence of those uses on shoreline siting, and to ensure that development occurs in a manner that maximizes compatibility with the water and shoreline resources.

A. The area of industrial use designated in this program which is accessible to navigable water is the Port of Benton site in north Richland. This program provides for continued operation of barging facilities, and may permit additional water-dependent use directly related to transfer of materials from waterborne conveyance to the land. The portions of the site not used for said water-dependent use shall preserve the generally undeveloped nature of adjacent shoreline areas. Public access shall be provided through the shoreline portion of the site for use when it does not interfere with barge loading or unloading. An alternative route to the west shall be provided for conducting nonmotorized traffic around the site when water-dependent use interrupts transit on the Trail.

B. Industrial and port development shall be located, designed, constructed, and operated in a manner that minimizes impacts to shoreline resources and avoids unnecessary interference with shoreline use by adjacent property owners.

C. Cooperative use of existing port facilities, including docks and piers, shall be encouraged to reduce additional disruption to the shoreline.

26.30.060 Marinas.

Marinas are recognized as a use dependent on waterfront location and generally requiring shoreline modification for construction and operation. Marina activities may include facilities for boat launching, moorage, storage, and servicing as well as boat and accessories sales and display and restaurant facilities.

A. These provisions apply to all vessel moorage facilities serving five or more vessels.

B. Proposals for new marinas must provide sufficient evidence that existing public boat launches, dry storage and existing and permitted moorage are not adequate to meet regional demand for recreational boating and that development of new marinas would result in fewer environmental impacts than expansion of existing facilities.

C. In order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of water surfaces, boat facilities, in order of preference, are as follows:

1. Mooring buoys with a small lighter dock to provide access to the buoy.
2. In-water mooring docks. These may be approved only where it is demonstrated that more preferred options are not feasible, and/or it can be demonstrated that in-water mooring docks would result in fewer impacts to shoreline ecological functions and/or enhance public use of the shoreline.

D. Applications for marinas with in-water moorage may be approved by [a shoreline](#) special use permit if it is demonstrated that:

1. Public navigation will not be impeded.
2. The location will not result in displacement of wetlands or interrupt natural processes, erosion or deposition.
3. Water depths will be adequate without initial or maintenance dredging.
4. The location will not require shoreline armoring to compensate for fluvial processes.
5. The location will not reduce existing public use of the water or shoreline, including fishing, swimming, and boating.
6. Adverse water quality impacts will not result from inadequate flushing of moorage or enclosed water areas.
7. Impacts to riparian buffers and nearshore aquatic habitat will be minimized. Impact minimization may require provision of ~~upland buffers~~ [buffers established upland](#) with limited corridors for movement between upland and in-water facilities.

8. Setbacks from adjacent noncommercial properties will be adequate to attenuate proximity impacts such as noise and light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

9. Facilities including piers, floats, boat launches and other elements will be located and designed to minimize changes in hydraulic and fluvial processes, minimize potential flood hazards, and to not limit channel migration in areas where such processes are not currently constrained.

10. Exterior lighting will avoid illuminating nearby properties used for noncommercial purposes and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, and screening.

11. Exterior lighting will not adversely impact aquatic species.

12. Adequate provisions are made for restroom, sewage, and solid waste disposal facilities in compliance with applicable health regulations.

13. Access and parking shall not produce traffic hazards, shall not result in excessive noise or other impacts, and shall minimize traffic impacts on nearby streets.

14. On-site parking supply shall be adequate to meet peak demands. Location of parking shall be in accordance with parking standards in this program.

E. Covered moorage is prohibited.

F. Marinas shall provide public access amenities over public aquatic lands equivalent to a minimum 10 percent of over-water coverage, shall provide public walkway access to a public street, and may be required to provide public parking, including ADA access.

G. If a marina includes gas and oil handling facilities, such facilities shall be separate from main centers of activity in order to minimize the fire and water pollution hazard, and to facilitate fire and pollution control. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan, shall be required of new marinas and expansion or substantial alteration of existing marinas. Handling of fuels, chemicals, or other toxic materials must be in compliance with all applicable federal and state water quality laws as well as health, safety, and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

H. Live-aboard vessels may occupy up to 10 percent of the slips at a marina and shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility. Accommodation of additional live-aboard vessels may be approved only by [a shoreline](#) special use permit with demonstration that accommodation of live-aboard vessels will not displace moorage otherwise available for recreational use or lead to a demand for additional moorage facilities.

26.30.070 Mining.

Surface mining is the removal of rock, sand, gravel, and/or minerals from shoreline areas for economic purposes. Excavations are permitted in accordance with the Washington State Surface Mining Act and with RMC 23.42.070.

A. The location, design, and development of any mining operation shall include:

1. Demonstration that mining is dependent on a shoreline location based on evaluation of geologic factors such as the distribution and availability of mineral resources for that jurisdiction, as well as evaluation of need for such mineral resources, economic, transportation, and land use factors.
2. Assurance of no net loss of ecological functions and processes. Application of this standard shall include avoidance and mitigation of adverse impacts during operation and evaluation of the reclamation plan required for the site.
3. Allowance of mining on shorelines shall require a finding that the benefits from mining, including the long-term use of the site, outweigh adverse impacts on other users or resources taken together.
4. Avoidance of interference with public recreation on the shoreline.
5. Location and operation to provide long-term protection of water quality, fish and wildlife, and their habitats.

B. A reclamation plan shall be submitted with each application, and shall provide for reclamation of the site compatible with existing and proposed land use as indicated in [RMC 23.42.070\(E\)](#) the Richland comprehensive plan and with the shoreline environment designation. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species and/or public access and recreation.

C. Regulations applicable to the shoreline environment in which the proposed development is located shall be complied with.

26.30.080 Recreation.

Recreation is ~~the refreshment of strength and spirits through activities involving physical participation or passive relaxation~~ an activity done for enjoyment when one is not working. Water-related recreation accounts for a significant percentage of all recreational activities in the city of Richland and the state of Washington. Recreational activities intended for public use shall be encouraged at intensities appropriate for the various environments. Priority will be given to those recreational uses which provide appropriate public access to the shoreline.

A. Only those ~~public and private~~ recreational uses that allow general public use shall be permitted on public shorelines of Richland. Recreational development shall be designed to locate non-water-oriented uses upland of water-oriented uses whenever possible.

B. A variety of recreation opportunities and associated facilities are encouraged on the shoreline. Passive uses are most appropriate in areas with more intact natural conditions, including facilities for interpretation of natural features and habitat, bird watching and similar uses. Water-dependent and water-enjoyment recreation facilities are a preferred use, including boating facilities, water sports, angling, and swimming beaches for areas with less intact ecological functions.

C. Access, circulation, and parking for recreational developments shall comply with the following regulations:

1. Vehicular access points shall be limited to the minimum number necessary for the proposed recreational facility, and shall be configured to minimize disturbance of ~~sensitive-critical~~ natural resources. Nonmotorized access points shall be provided where feasible.

2. Access to the water's edge from parking areas shall be limited to pedestrian movement, except that marinas and boat launching facilities may be provided with access drives or roads.

3. Circulation within recreational areas shall, as appropriate, include provisions for ~~all-various~~ modes of transportation. Roadways for motorized vehicles shall be designed and located to take advantage of scenic views, vistas, and points of interest in ~~nonsensitivenon-critical areas~~ outside of critical areas, and shall be designed and constructed with consideration of, and sensitivity for, natural features and amenities of the shorelines.

4. Access and circulation shall conform to provisions for road and railroad design and construction as set forth in RMC 26.30.100.

5. Parking areas shall be located on the ~~inland~~ landward side of all buildings, structures, and recreational uses, and shall be developed in accordance with applicable city of Richland parking and landscaping standards.

D. Development plans shall include provisions for the protection and preservation of ecological functions, natural resources, and scenic views and vistas of the shoreline.

E. Recreational facilities shall be designed, constructed, and operated in a manner consistent with the intent of the shoreline environment in which they are located, and which does not result in a net loss of shoreline ecological functions.

F. Applications for recreational uses that require the use of fertilizers, pesticides, or other chemical treatments shall include plans demonstrating best management practices to be used to minimize the potential for contamination of surface water and ground water resources. Nonchemical methods of vegetation management shall be preferred wherever feasible.

G. New over-water structures for recreation use shall be allowed only when:

1. They accommodate water-dependent recreation uses or facilities; or

2. They allow opportunities for substantial numbers of people to enjoy the shorelines of the state; and

3. They are not located in or adjacent to areas of ecological sensitivity, especially aquatic and wildlife ~~habitat areas~~ [habitat conservation areas](#); and

4. No net loss of ecological functions will be achieved.

H. Private recreation uses and facilities that utilize public aquatic lands shall provide public access as provided in RMC 26.20.050, or shall provide improved, compensating public access at other locations.

I. Motorized vehicular use outside of designated roadways and driveways, including the use of all-terrain and off-road vehicles, in the shoreline area is prohibited, except for boat launching and maintenance activities, and except where specific areas for such use are set aside and controlled by a public entity.

J. In natural open space areas, the need for trails for ADA access should be balanced with the extent of alteration of the natural environment required to accommodate such facilities.

K. Recreational developments shall comply with all local and state health regulations.

26.30.090 Residential development.

Policies and regulations for residential development are intended to promote use of the shoreline that acknowledges existing residential patterns and allows residential utilization of shoreline areas without resulting in a net loss of ecological function.

A. Single-family residential development is a priority use on the shoreline when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

B. Residential development in the shoreline shall meet the criteria of no net loss of ecological functions in RMC 26.20.020 and the preferred sequence for mitigation of impacts [shall be used](#). The use shall be located and designed to maintain required buffers, and maintain or enhance shoreline ecological functions including shoreline geomorphic processes, water quality, fish and wildlife habitat, and the aquatic food chain in general.

C. New residential development shall cluster dwelling units to provide as little alteration to the natural environment as feasible, and shall utilize low impact development (LID) techniques to reduce physical and visual impacts on shorelines.

D. Multifamily residential use is not a priority for location on the shoreline under the Shoreline Management Act and is subject to the preference for water-dependent and water-oriented use. It therefore must meet requirements for providing public benefit through ecological restoration and public access. Multifamily development may not be approved if it displaces existing water-dependent uses. Multifamily development uses

may be permitted only where it provides significant public benefit with respect to the objectives of the Act by:

1. Restoration of ecological functions, both in aquatic and upland environments, that shall provide native vegetation ~~buffers~~ according to the standards provided for ~~sensitive-critical~~ areas or in accordance with the ~~restoration element of this program~~ City of Richland Shoreline Restoration and Protection Plan; and
2. Provision of public access is required in accordance with RMC 26.20.050.

E. Over-water residences are prohibited.

F. New residential development shall assure that the development will not require shoreline stabilization. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, and riparian erosion areas shall be sufficient to protect structures during the life of the lots, and impacts to adjacent, downslope, or down-current properties are not likely to occur during the life of lots created.

G. New residential development shall meet all ~~sensitive-critical~~ area provisions of this program. Filling of, or into, water bodies or their associated wetlands for the purpose of subdivision or multifamily construction shall not be permitted. New subdivisions, short plats, and large lots shall preserve the required buffer in a protective tract, public or private land trust dedication, or be similarly preserved through an appropriate permanent protective mechanism. Each lot owner within the subdivision, short plat, or other land division shall have an undivided interest in the tract(s) or protective mechanism created.

H. Residential developments, including subdivisions, and planned unit developments of five or more lots/units shall provide improved public access for all residents of the development and the general public, in compliance with public access standards contained in RMC 26.20.050.

I. All new divisions of land shall record a prohibition on new private individual docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of this program.

J. All development shall be in compliance with all codes and ordinances of the city of Richland, including applicable subdivision, ~~sensitive-critical~~ area and zoning regulations.

26.30.100 Transportation facilities.

A. Roads and Bridges.

1. Development of new roads or substantially expanded existing roads shall demonstrate the need for a shoreline location and that no feasible upland alternative outside the shoreline is available.

2. Roads shall cross shoreline areas by the shortest, most direct route feasible to minimize impacts, unless such route would cause significant adverse impacts based on specific local features.

3. The project configuration, design, and related features will minimize alteration of ~~sensitive~~-critical area buffers, avoid impacts on bird and wildlife movement as much as is feasible, fit the existing topography as much as feasible, and minimize alterations to the natural or existing vegetation.

4. New transportation facilities shall be located and designed to avoid the need for shoreline stabilization where feasible. Where demonstrated to be necessary to protect an existing facility that is in imminent danger of loss or substantial damage, new or expanded structural shore stabilization shall provide mitigation of impacts resulting in no net loss of shoreline ecological functions. In cases where substantial shore stabilization is required, relocation of roads further from the shoreline may be required.

5. New or expanded roads will provide public access in accordance with RMC 26.20.050 and, where they afford scenic vistas, pedestrian viewpoints will be provided.

6. Wetlands shall be avoided whenever feasible. If avoidance is not feasible, bridges shall be utilized when crossing wetlands to avoid obstructing movement of surface and ground water unless it can be demonstrated that fill and compensatory mitigation will produce equal or greater ecological functions.

7. Road crossings of streams shall utilize bridges rather than culverts to the maximum extent feasible.

8. Private access roads or driveways providing ingress and egress for individual single-family residences or lots shall be limited to the minimum allowed by the fire code.

9. Bridges shall be designed and built of sufficient lateral and vertical clearance to allow the unimpeded passage of flood flows and debris. In wide streamways, bridges shall employ the maximum length of clear spans feasible with pier supports that produce the minimum deflection feasible. Bridge approaches in floodways of any stream shall be constructed on open piling or other measures to allow free water movement.

10. Landscape planting is required along all shoreline roads, parking, and turnout facilities to:

- a. Provide buffers between pedestrian and auto users;
- b. Enhance the shoreline driving experience; and
- c. Enhance and complement potential views of shoreline areas.

11. The city shall not vacate any public right-of-way in a shoreline location until adopting a comprehensive public access plan for the area showing that the subject right-of-way cannot be used as a contributing element in that plan. The city shall vacate a public right-of-way abutting a body of water only in compliance with RCW 35.79.035, ~~which allows vacations of streets abutting bodies of water only when:~~

- ~~a. The vacation will enable acquisition of the property for public purposes;~~
- ~~b. The street or alley is not suitable for certain purposes (e.g., port, park, education); or~~
- ~~c. The vacation will enable implementation of a public access plan.~~

12. In order to improve public access to the shoreline, the city shall acquire and/or retain abandoned or unused road or railroad rights-of-way for public access to and/or along the water.

B. Nonmotorized Facilities.

1. Nonmotorized facilities shall comply with provision for public access facilities in RMC 26.20.050.
2. Trails shall be developed consistent with adopted city and regional system plans.
3. Nonmotorized facilities shall avoid ~~sensitive-critical~~ areas ~~features of the shoreline~~ to the extent feasible, including wetlands and fish and wildlife habitat conservation areas. Facilities shall be placed outside of or in the outer portions of buffers. Elevated walkways shall be utilized where feasible to cross wetlands and streams.

C. Railroads.

1. Railroad improvement requiring right-of-way expansion within the shoreline shall demonstrate that there is no feasible alternative outside of shoreline jurisdiction.
2. Expansion of existing railroad facilities within existing rights-of-way (additional track or other features) must demonstrate the need for a shoreline location and that no feasible upland alternative outside shoreline jurisdiction is feasible. New tracks shall be placed upland of existing tracks if feasible and may require relocation of existing tracks.
3. The project shall be designed to minimize alteration of ~~sensitive-critical~~ area buffers, to fit the existing topography as much as feasible, and to minimize alterations to the natural or existing topography.
4. Wetlands shall be avoided whenever feasible. Bridges shall be utilized when crossing wetlands to avoid obstructing movement of surface and ground water unless it can be demonstrated that fill and compensatory mitigation will produce equal or greater ecological functions.

5. Trails and shoreline access should be provided with facilities to safely cross railroads, to enhance regional nonmotorized circulation, and improve public access to the shoreline. Any proposal to add tracks to an existing corridor shall include additional crossings of the rail corridor to make a proportional contribution to meeting an ultimate goal of at least one crossing every 2,500 feet.

6. Criteria for road crossings of streams and shoreline stabilization shall apply to railroads.

D. Parking.

1. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. Parking facilities shall be located outside shoreline jurisdiction where possible. Parking in shoreline jurisdiction shall directly serve a permitted shoreline use and shall be located outside of ~~sensitive~~critical area buffers and as far from the water/land interface as possible.

2. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served. The only exceptions to this would be when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline and in all cases is prohibited over the water.

3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Landscaping shall comply with Chapter 23.54 RMC and, in addition, landscaping between parking areas and public access shall provide effective screening within three years of project completion.

26.30.110 Utilities.

A. New or substantially expanded utilities serving uses within the city may be located within shoreline jurisdiction only if:

1. The facility is needed within the shoreline jurisdiction to support permitted shoreline activities; and
2. No feasible upland alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or is set back further from the land/water interface.

B. Regional facilities that serve uses outside the city and all electric transmission facilities with a capacity greater than 50 kW shall demonstrate, based on an analysis of alternative routes and technology, that:

1. No upland alternative route is feasible;
2. Utilization of existing corridors is not feasible, including expansion or replacement of existing facilities, if new corridors are proposed;
3. A location within designated industrial environments or existing transportation corridors is not feasible;

4. The proposal has the least ~~feasible~~-adverse impact on the natural environment_ which is feasible; and

5. The location and design of the facility has the least ~~feasible~~-change in the existing character of the shoreline views enjoyed by residences or from public access facilities as is feasible, and will not obstruct scenic vistas.

C. Linear facilities consisting of pipelines, sewers, cables and other facilities roughly parallel to the shoreline shall be discouraged except where no other feasible alternative exists. At the time of replacement of such facilities that are close to their lifespan, or when such facilities are expanded, relocation outside of the shoreline may be required as if they were new facilities. When permitted, design shall assure that maintenance of the facilities does not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.

D. Utilities shall be located in the least ~~sensitive~~ environmentally sensitive portions of a site and outside of natural open space areas, where feasible, and be designed to minimize environmental impact, avoid significant natural, historic, archaeological, or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts.

E. Utilities, where permitted, shall meet the following design criteria:

1. Facilities should occupy as little of the shoreline as feasible and should be located in existing rights-of-way and, if possible, should share existing facilities where feasible. Utility installation parallel to the shoreline should be avoided to the maximum extent feasible. Utilities shall cross the shoreline area by the shortest, most direct route, unless such route would cause substantial significant environmental damage.

2. Utilities shall be located and designed to minimize alterations to the natural environment, be located outside of natural open space areas, where feasible, and fit the existing topography as much as possible, and should be designed to minimize and mitigate environmental impact.

3. Facilities shall be located and designed to minimize introducing elements that change the existing character of the shoreline, obstruct views enjoyed by residences or from public access facilities, or obstruct scenic vistas.

4. Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if feasible. If new installations are required to cross water bodies or wetlands, they should avoid disturbing banks and streambeds, and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation, or lateral migration. Underwater utilities shall be placed in a sleeve if feasible to avoid the need for excavation in the event of the need for maintenance or replacement.

F. New electrical distribution lines within the shoreline shall be placed underground. Distribution lines that cross water or other ~~sensitive~~-critical areas may be allowed to be placed above ground if:

1. Underground installation would substantially disrupt ecological functions and processes of water bodies and wetlands, and horizontal drilling or similar technology that does not disturb the surface is not feasible;
2. Visual impacts are minimized to the extent feasible; and
3. If overhead facilities require that native trees and other vegetation in a ~~sensitive~~-critical areas buffer cannot be maintained in a natural condition, compensatory mitigation shall be provided on or off site.

G. Stormwater, wastewater, or water supply pump stations, and stormwater discharge facilities such as dispersion trenches, level spreaders, and outfalls may be located in the shoreline jurisdiction if:

1. Due to topographic or other physical constraints there are no feasible locations for these facilities outside the shoreline;
2. The facility minimizes and compensates for impacts to ~~sensitive~~-critical area buffers; and
3. Any discharge facility is designed and maintained to prevent erosion or other adverse impacts.

H. Construction shall be designed to protect the shoreline against erosion, uncontrolled or polluting drainage and other factors detrimental to the environment, both during and after construction.

I. Roadways or other facilities to access utility installations within ~~sensitive~~-critical area buffers shall be no wider than needed to construct, maintain, or repair the utility.

J. Facilities involving buildings, such as pump stations, electrical substations, or other facilities, ~~when permitted~~, shall be in scale with surrounding development, architecturally compatible and landscaped to assure compatibility with natural features, public access facilities, and adjacent uses.

K. Public Access. Utility development shall provide for compatible, multiple uses of sites and rights-of-way through coordination with local government agencies. Such uses include shoreline access in accordance with RMC 26.20.050, trail systems, and other forms of recreation and transportation, provided such uses will not unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

Chapter 26.40 SHORELINE MODIFICATION REGULATIONS

Sections:

- 26.40.010 Shoreline stabilization.
- 26.40.020 Breakwaters, jetties, and groins.
- 26.40.030 Flood hazard management.
- 26.40.040 Clearing and grading.
- 26.40.050 Dredging and dredge material disposal.
- 26.40.060 In-stream structures.

26.40.010 Shoreline stabilization.

Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

A. New development, including subdivision, shall be located and designed to avoid the need for future shoreline stabilization to the maximum extent feasible. New lots created by subdivision shall not require shoreline stabilization in order for reasonable development to occur. New development on steep slopes shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure. Proposed development that would require shoreline stabilization which would cause significant impacts to adjacent or down-current properties and shoreline areas shall not be allowed. In all cases, compliance with this criterion shall be documented by geotechnical analysis by qualified professionals.

B. The construction of shoreline protection [measures](#) for the primary purpose of retaining or creating dry land ~~that is not specifically authorized as a part of the permit~~ is prohibited [unless specifically authorized as a part of a permit](#).

C. Shoreline stabilization shall be designed and constructed to avoid stream channel direction modification, realignment and straightening, or result in increased channelization of normal stream flows.

D. New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by natural processes rather than from upland conditions such as poorly managed stormwater or vegetation removal. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis shall evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The erosion control structure shall not result in a net loss of shoreline ecological functions.

E. Alternatives for shoreline stabilization shall be based on the following hierarchy of preference:

1. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.
2. Stabilization constructed of natural materials incorporating measures such as soft-shore protection and bioengineering, including beach nourishment, protective berms, or vegetative stabilization.
3. Soft-shore stabilization, as described above, in combination with rigid works, as described below, constructed as a protective measure.
4. Rigid works constructed of artificial materials such as riprap or concrete.

F. Shoreline stabilization may be permitted to protect a water-dependent development, or single-family residences, when all of the [following](#) conditions ~~below~~ have been demonstrated to apply and are documented by a report by a qualified professional:

1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
2. Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report; and
4. The stabilization structure shall not result in a net loss of shoreline ecological functions.
5. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

G. Shoreline stabilization may be permitted to protect an existing non-water-dependent development when all of the [following](#) conditions ~~below~~ are met as documented by a report by a qualified professional:

1. The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage;
2. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient;
3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report;
4. The affected structure cannot be feasibly located or relocated outside of the area affected by natural shoreline erosion processes; and

5. The stabilization structure will not result in a net loss of shoreline ecological functions.

6. Where a geotechnical analysis confirms a need to prevent potential damage, but the need is not as immediate as three years, the analysis may still be used to justify more immediate authorization for shoreline stabilization using bioengineering approaches.

H. Shoreline protection for the restoration of ecological functions or hazardous substance remediation projects pursuant to ~~Chapter 70.105D RCW~~ [Chapter 70A.305](#) shall meet the [following](#) conditions ~~below~~ and be documented by a qualified professional:

1. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient; and
2. The erosion control structure will not result in a net loss of shoreline ecological functions.

I. Replacement of an existing shoreline stabilization structure with a similar structure is permitted if there is a demonstrated need to protect existing primary uses, structures, or public facilities (e.g., roads, bridges, railways, and utility systems) from erosion caused by stream undercutting or wave action. The existing shoreline stabilization structure must be removed from the shoreline as part of the replacement activity. The following conditions must be met and documented by a qualified professional:

1. There is a demonstrated need to protect principal uses or structures from erosion caused by stream geohydraulic processes.
2. The replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions.
3. Replacement walls or bulkheads shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and overriding safety or environmental concerns exist. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.
4. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
5. For purposes of this subsection, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

J. A publicly funded shoreline stabilization project shall include appropriate provisions for public access to the shoreline, not create barriers to public access if in existence, and incorporate ecological restoration measures if feasible.

K. Gabions (wire mesh filled with concrete or rocks) shall not be used in bulkhead construction where alternatives more consistent with this program are feasible, because of their limited durability and the potential hazard to shore users and the shoreline environment.

26.40.020 Breakwaters, jetties, and groins.

A. Breakwaters, jetties, rock weirs, and groins shall only be permitted by [a shoreline](#) special use permit for navigational purposes, water-dependent uses, and marinas where water-dependent uses are located waterward of the OHWM, and where protection from strong wave action is essential.

B. Breakwaters, jetties, rock weirs, and groins may be approved only if analysis by a qualified professional demonstrates that erosion and accretion processes, riparian habitat, channel migration, and floodplain functions will not be adversely affected or are mitigated by a specific program implemented over the lifespan of the effect.

C. The design of new breakwaters, groins, and jetties shall incorporate provisions for public access and public fishing if such access is feasible and safe.

26.40.030 Flood hazard management.

A. New or substantially altered structural flood hazard reduction measures, such as dikes, levees, berms and similar flood control structures, shall be consistent with basin-wide flood control strategies in regional flood hazard management plans.

B. Flood control structures shall be permitted for the following purposes only, as documented through a geotechnical or geofluvial analysis:-

1. They are necessary to protect existing development.
2. Nonstructural flood hazard reduction measures are infeasible.
3. Impacts to ecological processes and functions, priority fish and wildlife species and habitats, and the aquatic food chain can be successfully mitigated to assure no net loss of [ecological](#) functions.
4. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.

C. Public access shall be provided in accordance with public access policies and ~~regulations of~~ RMC 26.20.050. If the project is publicly funded, the design must provide appropriate public access to the shoreline, improve public access to the shoreline, and provide ecological restoration where feasible.

D. Dike and levee design shall, to the maximum extent feasible, be:

1. Limited in size to the minimum height required to protect adjacent lands from the predicted flood stage as identified in the applicable comprehensive flood control management plan or as required by FEMA for dike recertification;

2. Placed landward of fish and wildlife habitat conservation areas and wetland buffers unless there is no other feasible alternative to reduce flood hazard to existing development;

3. Located and designed so as to protect and restore the natural character of the stream, avoid the disruption of channel integrity, and provide the maximum opportunity for natural floodway functions to take place. Design must consider including levee setbacks to allow for more natural function of floodplains, channel migration zones, off channel habitat and associated wetlands directly interrelated and interdependent with the stream; and

4. Designed to incorporate appropriate vegetation management.

E. All flood protection measures shall demonstrate that downstream flooding will not be increased and the integrity of downstream ecological functions will not be adversely affected, including disruption of natural drainage flows and stormwater runoff.

F. Removal of materials from the river channel for flood management purposes may be allowed only as part of an adopted integrated flood control management program, and after biological and geomorphological study demonstrates that other flood hazard reduction strategies would not be effective in the absence of gravel removal. Specific studies accompanying the application must demonstrate that adverse flooding, erosion, or other environmental impacts either upstream or downstream of extraction sites would not occur or would be mitigated, including analysis of the natural processes of gravel transportation for the river system as a whole.

26.40.040 Clearing and grading.

A. Clearing and grading activities in shoreline areas shall be allowed only in association with a permitted shoreline development, and shall be limited to the minimum extent necessary to accommodate shoreline development. Clearing and grading shall retain natural features and functions, including natural topography, to the maximum extent feasible.

B. Fill is restricted in wetlands or fish and wildlife habitat conservation areas in accordance with ~~sensitive~~critical areas regulations.

C. Fill may not be placed in floodways. Fill may be placed in other ~~flood hazard areas~~frequently flooded areas only where it is demonstrated that adverse impacts to hydrogeologic processes will be avoided and the provisions of Chapter 26.60 RMC are met.

D. Fill below, or waterward, of the ordinary high water mark for any use except ecological restoration requires a shoreline special use permit. Fill may be placed below the OHWM only when it is demonstrated as necessary to:

1. Accomplish an aquatic habitat restoration plan;

2. Correct the adverse results of past shoreline modification that has disrupted natural stream geomorphic conditions and adversely affected aquatic or terrestrial habitat;
3. Provide for clean-up and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
4. Expand or alter transportation facilities of statewide significance currently located on the shoreline, and then only upon a demonstration that alternatives to fill are not feasible; or
5. Create water-dependent recreational facilities open to the public.

26.40.050 Dredging and dredge material disposal.

A. Dredging shall be permitted only:

1. For flood control purposes, as part of an adopted regional flood control plan;
2. In conjunction with a water-dependent use of water bodies or adjacent shorelands where channel modification is essential to the water-dependent use;
3. As part of an approved habitat improvement project; or
4. In conjunction with a bridge, navigational structure, water, or wastewater treatment facility for which there is a documented public need and where other ~~feasible~~ sites or methods are not feasible.

B. New dredging shall be permitted only where it is demonstrated by a report prepared by a qualified professional that it will avoid adverse impacts to water quality, fish and wildlife habitat conservation areas and other ~~sensitive~~-critical areas, flood holding capacity, natural drainage and water circulation patterns, significant plant communities, prime agricultural land, and public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of ecological functions.

C. New development siting and design should avoid the need for new and maintenance dredging.

D. During a low water season, removal of a portion of an accretion point bar below the OHWM but above the water level at the time of operation may be permitted as a special use for flood control purposes as follows:

1. It is identified as an element of an adopted integrated flood control management program that demonstrates that other flood hazard reduction strategies would not be effective in the absence of material removal, and is in accordance with RMC 26.40.030(F).
2. Specific studies accompanying the application must demonstrate that adverse flooding, erosion, or other environmental impacts would not occur or would be

mitigated either upstream or downstream of extraction sites, including the natural processes of gravel transportation for the river system as a whole.

E. Dredge material disposal shall be permitted only at locations where it is demonstrated by analysis by a qualified professional that the disposal will not result in significant or ongoing adverse impacts to water quality, ~~sensitive~~critical areas, flood holding capacity, natural drainage and water circulation patterns, prime agricultural land, or public access to shorelines. When such impacts are unavoidable, they shall be minimized and mitigated such that they result in no net loss of ecological functions.

F. Disposal of dredge material within fish and wildlife habitat conservation areas (FWHCA), wetlands, within a floodplain or within a river's channel migration zone shall be allowed only where alternative disposal sites are not feasible. In the limited instances where it is allowed, such disposal shall require a shoreline special use permit. Applicants shall demonstrate that:

1. The proposed dredge materials disposal site is subject to an allowed use under this program that:
 - a. Is an element of an approved restoration plan for aquatic or upland fish and wildlife habitat;
 - b. Will create, expand, rehabilitate, or enhance a beach that provides public recreation opportunities that is permitted under this program;
 - c. If on private land, the site will ultimately be suitable for a use permitted by this program or will be subject to buffer or other open space restrictions; and
 - d. Will affect the smallest feasible land.
2. Sites will be adequately screened from view of local residents or passersby on public rights-of-way to the maximum extent practicable (e.g., a combination of fencing and vegetation).
3. Sites will be revegetated with appropriate native species as soon as possible to retard erosion and restore wildlife habitat and other ~~sensitive~~critical areas functions.
4. Shoreline ecological functions and processes will be preserved, including protection of riparian buffers and surface and ground water.

26.40.060 In-stream structures.

A. In-stream structures may be allowed only when the public benefits of such facilities clearly outweigh any loss of ecological processes and functions, and only when an analysis of alternatives demonstrates that the proposed location and design would result in less adverse impact than alternative locations and designs.

B. In-stream structures may be approved only for:

1. Water-dependent use where the in-stream structure is essential to operation of the use.

2. A project that has received Governor's certification pursuant to Chapter 80.50 RCW, Energy Facility Siting.

3. A project that has received approval and licensing by the Federal Energy Regulatory Commission.

4. Projects that are part of an approved irrigation district plan or are private or corporate irrigation facilities approved by the Washington Department of Fish and Wildlife.

5. A fish or wildlife habitat restoration project approved by the Washington Department of Fish and Wildlife.

C. All [applications for](#) in-stream structures shall demonstrate that they result in no net loss of ecological functions, and ~~applications~~ shall detail all mitigation measures, include detailed mitigation plans, timetables for implementation, and a monitoring program.

D. In-stream structures and their support facilities shall be located and designed to minimize the need for shoreline defense structures. When shoreline defense structures are demonstrated as necessary, they shall be approved in accordance with RMC 26.40.010, Shoreline stabilization.

E. In-stream structures and associated facilities shall [be designed and constructed to](#) avoid, and where avoidance is not feasible shall mitigate, adverse land use impacts, including impacts to public access facilities, publicly owned lands or waters used for recreation, and public and private recreation facilities. Impacts to be avoided include the visual impact of the structure or facilities, the intrusion of roads or utility corridors into undeveloped area used for recreation, noise, and impacts from reduced water flows.

F. In-stream structures shall be designed and constructed to provide public access to and along the shoreline in accordance with the public access policies and regulations contained in RMC 26.20.050. Existing public access and recreational opportunities should be retained, enhanced, or replaced.

Chapter 26.50 PERMIT ADMINISTRATION AND ENFORCEMENT

Sections:

26.50.001	Administrator.
26.50.010	Permit requirements.
26.50.011	Coordination with other agencies.
26.50.012	Development compliance.
26.50.020	Exemptions from shoreline substantial development permit.
26.50.021	Exemption procedures. Exemptions Exceptions to local review.
26.50.025	Exemption procedures.
26.50.030	Shoreline permit application procedures.
26.50.040	Approval criteria.
26.50.050	Shoreline Special use permit.
26.50.060	Shoreline Variances.
26.50.070	Time requirements for shoreline permits.
26.50.080	Land division.
26.50.090	Construction permit compliance.
26.50.100	Rulings to state.
26.50.110	Appeals.
26.50.120	Rescission of permits.
26.50.121	Violations – Penalties.
26.50.140	Restoration project relocation of OHWM.
26.50.150	Shoreline moratorium.
26.50.160	Non-conforming development.

26.50.001 Administrator.

The community development director or designee shall administer and be responsible for the enforcement of the Richland shoreline master program, [and is referred to as the administrator or shoreline administrator in this title.](#)

26.50.010 Permit requirements.

A. ~~Substantial d~~Developments proposed ~~on shorelines~~[within the shoreline jurisdiction](#) of Richland shall be allowed subject to the issuance of a [shoreline](#) permit from the city of Richland. Applications for a [shoreline](#) substantial development permit, [shoreline](#) special use permit, and [shoreline](#) variance are required to comply with the permit review provisions established by the state of Washington (Chapter 173-27 WAC) and the city of Richland, and shall be accompanied by a standard fee as set forth in the schedule of fees referenced in Chapter 19.80 RMC. Application forms containing the information required by WAC 173-27-180 shall be provided by the shoreline administrator.

B. Shoreline permits shall be classified as Type I or Type II permit applications according to the criteria established in RMC 19.20.010.

1. Decision authority for shoreline substantial development permits meeting the criteria for Type I permit applications shall rest with the administrator.

2. Decision authority for shoreline substantial development permits classified as Type II permit applications and all [shoreline](#) special use permits shall rest with the hearing examiner.

3. Decision authority for shoreline variances shall rest with the hearing examiner.

C. ~~Application~~ [Applications](#) for a [shoreline](#) substantial development permit or [shoreline](#) special use permit shall be considered a request for site plan approval as outlined in Chapter 23.48 RMC.

26.50.011 Coordination with other agencies.

The city will coordinate on issues relating to ecological conditions, functions and processes, and on wetland and ordinary high water delineations with the Washington State Department of Ecology, the Washington State Department of Natural Resources, and the Washington State Department of Fish and Wildlife, as well as other agencies with permit authority over a project, to the extent that agencies are timely in their response and coordination does not unduly extend review times.

26.50.012 Development compliance.

A. All uses and developments within the jurisdiction of the Shoreline Management Act shall be planned and carried out in a manner that is consistent with this program and the policies of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline special use permit is required. The city shall ensure compliance with the provisions of this program for all permits and approvals processed by the city.

B. Regulation of private property to implement any program goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes such as RCW 34.05.328 and 43.21C.060. An applicant requesting specific accommodation of constitutional or other legal limits in the application of standards and criteria of this program must do so in the application materials. The decision maker shall address such requests in specific findings.

C. Policies and provisions of this program and Chapter 90.58 RCW, including the permit system, shall apply to all nonfederal developments and uses undertaken on federal lands and on lands subject to nonfederal ownership, lease or easement, even though such lands may fall within the external boundaries of a federal ownership.

D. In reviewing all [shoreline](#) permits, consideration shall be given to the cumulative impact of existing development, approved but not yet constructed development, and the likelihood of additional requests for like actions to the extent such uses are allowed in an area and development trends indicate a reasonable likelihood of occurrence. The city shall track and periodically evaluate the cumulative effects of all project review actions in shoreline areas.

E. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Hydraulic Permit Act (HPA) permits, U.S. Army Corps of Engineers Section 404 permits, Washington State Department of Ecology water quality certification (Section 401) national pollution discharge elimination system permits). The applicant is responsible for complying with these requirements apart from the process established in this chapter.

26.50.020 Exemptions from [shoreline](#) substantial development permit.

A. A [shoreline](#) substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1).

B. The following shall not be considered substantial developments for the purpose of this shoreline program and are exempt from obtaining a shoreline substantial development permit (SSDP); provided, that any additional exemptions established by legislative amendment of the statute shall constitute exemptions without amendment to this code. An exemption from an SSDP is not an exemption from compliance with the Act or the shoreline master program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this shoreline program and the Shoreline Management Act. A use or development exempt from a shoreline substantial development permit may require a [shoreline](#) special use permit or a [shoreline](#) variance.

1. Governor's Certification. Any project with a certification from the Governor pursuant to Chapter 80.50 RCW.

2. Projects valued at or below ~~\$6,416~~, [the current dollar amount](#) established by RCW 90.58.030(3)(e) [and WAC 173.27.040](#), as [periodically](#) amended for Consumer Price Index inflations.

3. Maintenance and Repair. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.

a. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

b. "Normal repair" means to restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.

c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development, including, but not limited to, its size, shape, configuration, location and external appearance, and the

replacement does not cause substantial adverse effects to shoreline resources or environment.

4. Emergency Construction. Emergency construction necessary to protect property from damage by the elements.

a. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with the shoreline master program.

b. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, Chapter 173-27 WAC, or this shoreline program shall be obtained.

c. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the shoreline master program.

d. In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent, are not an emergency.

5. Agricultural Construction or Practices. Construction and practices normal or necessary for farming, irrigation and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including, but not limited to, head gates, pumping facilities and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

6. Construction of Single-Family Residence and Accessory Buildings. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level as defined in WAC 173-27-030, and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this section.

a. “Single-family” residence means a detached dwelling designed for and occupied by one family, including those structures and developments within a contiguous ownership which are a normal appurtenance. An “appurtenance” is

necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and the perimeter of a wetland.

b. Construction authorized under this exemption shall be located landward of the OHWM.

7. Construction of Noncommercial Docks. Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multifamily residences. This exception applies if:

a. The fair market value of the dock does not exceed ~~\$20,000~~ the current dollar amount established by RCW 90.58.030(3)(e) and WAC173.27.040, as periodically amended for Consumer Price Index inflations, for docks that are constructed to replace existing docks and are of equal or lesser square footage than the existing dock being replaced; or

b. Ten thousand dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in this subsection, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

c. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances.

d. The dock meets all requirements of this code. A private dock generally is prohibited.

8. Construction Authorized by the Coast Guard. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

9. Operation, Maintenance, or Construction Related to Irrigation. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands.

10. Marking of Property Lines on State-Owned Lands. The marking of property lines or corners on state-owned lands when such marking does not interfere with the normal public use of the surface of the water.

11. Operation and Maintenance of Agricultural Drainage or Dikes. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing as of September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

12. Activities Necessary for Permit Application. Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under the shoreline master program, if:

- a. The activity does not interfere with the normal public use of the surface waters;
- b. The activity will have no significant adverse impact on the environment, including, but not limited to, fish, wildlife, fish or wildlife habitat [conservation areas](#), water quality, and aesthetic values;
- c. The activity does not involve the installation of a structure, and, upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity;
- d. A private entity seeking development authorization under the shoreline master program first posts a performance bond or provides other evidence of financial responsibility to the administrator to assure that the site is restored to preexisting conditions; and
- e. The activity is not subject to the permit requirements of RCW 90.58.550.

13. Removal or Control of Noxious Weeds. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW.

14. Watershed Restoration Projects. Watershed restoration projects as defined below:

- a. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - i. A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
 - ii. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.
 - iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state; provided, that any structure

other than a bridge or culvert or in-stream habitat enhancement structure associated with the project is less than 200 square feet in floor area and is located above the OHWM of the stream.

b. "Watershed restoration plan" means a plan developed or sponsored by a state department, a federally recognized Indian tribe, a city, or a conservation district, for which agency and public review has been conducted pursuant to Chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

15. Projects to Improve Fish and Wildlife Passage or Habitat. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage, and appropriately designed and sited to accomplish the intended purpose;

b. The project has received hydraulic project approval ([HPA](#)) by the Department of Fish and Wildlife pursuant to Chapter 75.20 RCW; and

c. The administrator has determined that the project is consistent with this shoreline [master](#) program.

~~16. Hazardous Substance Remediation. Hazardous substance remedial actions pursuant to WAC 173-27-040(3).~~

~~17.~~16. Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration. Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of the OHWM or other criteria due to a shoreline restoration project approved in accordance with RMC 26.50.140 that creates a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the Act.

17. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

C. All of the above exemptions are subject to the following regulations:

1. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the [shoreline](#) substantial development permit process.

2. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
3. If any part of a proposed development is not eligible for exemption, then a [shoreline](#) substantial development permit or [shoreline](#) special use permit is required for the entire project.

26.50.021 ~~Exemptions~~Exceptions to local review.

A. While Shoreline Substantial Development Permit exemptions listed in RMC 26.50.020 remain subject to compliance with Shoreline Master Program standards, the Act allows for Exceptions to Local Review which exempts the following activities from compliance with Shoreline Master Program standards:

1. Remedial hazardous substance cleanup actions.
2. Boatyard improvements to meet NPDES requirements.
3. Washington State Department of Transportation (WSDOT) facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356.
4. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
5. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.
6. Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of Chapter 90.58 RCW.

26.50.~~021~~025 Exemption procedures.

A. A project requiring a permit from the city and subject to an exemption to a shoreline substantial development permit shall be reviewed under the criteria of the underlying permit with an additional finding recorded by the administrator addressing the grounds under which the permit is exempt.

B. Any person claiming exemption from the permit requirements of this shoreline program as a result of the exemptions specified in this ~~section~~[chapter](#) may make application for an ~~n exemption certificate permit~~ [shoreline exemption permit](#) to the administrator in the manner prescribed by the city, including payment of a fee as provided in the city's posted fee schedule.

C. For projects where Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers, the city shall transmit an ~~n exemption certificate~~ [shoreline exemption permit](#) addressed to the applicant and the Department of Ecology whenever a development is subject to one or more of the following federal permit requirements:

1. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, which generally applies to any project occurring on or over navigable waters. Specific applicability information should be obtained from the U.S. Army Corps of Engineers; or
2. A Section 404 permit under the Federal Water Pollution Control Act of 1972, which generally applies to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the U.S. Army Corps of Engineers.

The ~~letter~~ [shoreline exemption permit](#) shall indicate the specific exemption provision from WAC 173-27-040 that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the shoreline program and the Act.

D. The city may attach conditions to the approval of exempted developments and/or uses as necessary to ensure consistency of any project with the Shoreline Management Act and this shoreline master program.

26.50.030 Shoreline permit application procedures.

In addition to the public notice requirements of RMC Title 19, Development Regulation Administration, the following notice shall be provided for each application for a shoreline substantial development permit, [shoreline](#) special use permit, or [shoreline](#) variance-~~permit~~:

A. Within 14 days after the city has made a determination of completeness on the project permit application, the city shall issue public notice, including:

1. The date of application, the date of the notice of completion for the application, and the date of the notice of application;
2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070, 36.70B.090, and WAC 173-27-180;
3. The identification of other permits not included in the application to the extent known by the city;
4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;
5. A statement of the public comment period, which shall be not less than 30 days following the date of notice of application;
6. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. Public comments shall be accepted at any time prior to the

closing of the record of an open record hearing, if any, or, if no open record hearing is provided, prior to the decision on the project permit;

7. The date, time, place and type of hearing, if applicable and scheduled as of the date of notice of the application;

8. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and consistency; and

9. Any other information determined appropriate by the administrator.

B. Public notice shall include:

1. Mailing of the notice to all latest recorded real property owners, as shown by the records of the county assessor, located within at least 300 feet of the boundary of the property upon which the development is proposed;

2. Posting on the property;

3. Publication at least once in the official newspaper of the city; and

4. If an open record public hearing is required, a notice shall be provided at least 15 days prior to the hearing.

26.50.040 Approval criteria.

In order to approve any development within shoreline master program jurisdiction, the city must find that a proposal is consistent with the following criteria in addition to the requirements of RMC Title 19, Development Regulation Administration.

A. Conformance with the Shoreline Management Act of 1971, as amended;

B. General conformance with the goals ~~for~~^{of} the shoreline master program, the general development policies for the plan elements, and the applicable policy statements for the use activity and the shoreline environment;

C. Compliance with use regulations of the shoreline master program appropriate to the shoreline designation and the type of use or development proposed, particularly the preference for water-oriented uses, subject to liberal construction to give full effect to the objectives and purposes for which they have been enacted. If a non-water-oriented use is approved, the decision maker shall enter specific findings documenting why water-oriented uses are not feasible;

D. Compliance with bulk and dimensional regulations of the shoreline master program appropriate to the shoreline designation and the type of use or development proposed, except those bulk and dimensional standards that have been modified by approval of a shoreline variance;

E. Consideration of the recommendations and comments of the Richland parks and recreation commission, ~~as if~~ the proposed development will affect and be affected by the goals and objectives of city plans for parks, trails, and open space;

F. General conformance with the provisions of the Richland comprehensive plan;

G. Consideration of provisions for facilities and improved designs to accommodate and encourage use by the physically disabled;

H. Compliance with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW; and

I. Compliance with applicable provisions of the Richland Municipal Code.

26.50.050 Shoreline Special use permit.

A. Certain uses are indicated in the use ~~chart~~ table as being permitted subject to the granting of a shoreline special use permit. The purpose of a shoreline special use permit is to provide greater flexibility in administering the use regulations of the shoreline program to accommodate certain uses which, by nature of use, intensity, or impact on an area, cannot be permitted outright within a shoreline environment in a manner consistent with the policies of RCW 90.58.020. In authorizing a shoreline ~~special conditional-use~~ permit, special conditions may be attached to the permit by the city or the Department of Ecology to prevent undesirable effects of the proposed use, and/or to ensure consistency of the project with the Act and the shoreline master program. Note: A shoreline special use permit is the same as a shoreline conditional use in WAC 172-27-160.

B. Applications for shoreline special use permits ~~for development on shorelines~~ shall be considered a request for site plan approval, ~~and shall also be required to observe~~ the permit application review procedure set forth in this program shall apply.

C. Applicants shall disclose ~~as part of the~~ with permit ~~process~~ applications:

1. Any applicable federal, state or local regulatory permit requirements; and
2. The status of any contact with those agencies having permit jurisdiction over the proposed project, and the status of any permit applications that may have been applied for.

D. Uses ~~which are~~ classified in this shoreline program as special uses may be authorized; provided, that the applicant demonstrates all of the following:

1. That the proposed use is consistent with the policies, regulations and standards of RCW 90.58.020 and this shoreline master program;
2. That the proposed use will not interfere with the normal public use of public shorelines;

3. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under Richland's comprehensive plan and shoreline master program;

4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

5. That the public interest suffers no substantial detrimental effect.

E. In the granting of all [shoreline](#) special use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if [shoreline](#) special use permits were granted for other developments in the area where similar circumstances exist, the total of the special uses shall also remain consistent with the policies of RCW 90.58.020, and shall not produce substantial adverse effects to the shoreline environment.

F. Other uses which are not classified or set forth in the shoreline master program may be authorized as special uses, provided the applicant can demonstrate consistency with the requirements of this section and the requirements for special uses contained in the shoreline program.

G. Uses which are specifically prohibited by the shoreline [master](#) program may not be authorized ~~pursuant to either subsection (A) or (B) of this section.~~

26.50.060 [Shoreline](#) Variances.

A. A development ~~may be granted~~ which is at variance with the specific bulk, dimensional or performance standards established in the shoreline master program [may be allowed](#) where, owing to extraordinary circumstances relating to the physical character or configuration of property, the literal interpretation and strict application of the criteria established in the shoreline master program would cause undue and unnecessary hardship or thwart the policies set forth in RCW 90.58.020. In all instances, the applicant must demonstrate that extraordinary circumstances are present. ~~A variance permit may be required for a use that does not require a substantial development permit but which may not be approved because it does not comply with the provisions of the shoreline master program.~~

B. Review of a [shoreline](#) variance permit shall be in accordance with RMC 26.50.050, [Shoreline](#) Special use permit.

C. Decision Criteria. The hearing examiner must find each of the following:

1. That the strict application of the bulk, dimensional or performance standards set forth in the shoreline [master](#) program precludes, or significantly interferes with, reasonable use of the property;

2. That the hardship described in subsection ~~(A)~~ [\(C\)\(1\)](#) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the shoreline [master](#) program, and not, for example, from deed restrictions or the applicant's own actions;

3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program, and will not cause adverse impacts to the shoreline environment;

4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

5. That the variance requested is the minimum necessary to afford relief; and

6. That the public interest will suffer no substantial detrimental effect.

7. In the granting of all [shoreline](#) variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020, and shall not cause substantial adverse effects to the shoreline environment.

26.50.070 Time requirements for shoreline permits.

A. The time requirements of this section shall apply to all [shoreline](#) substantial development permits, and to any development authorized pursuant to a [shoreline](#) variance permit or [shoreline](#) special use permit authorized under the shoreline master program.

B. No construction pursuant to such permit shall begin or be authorized, and no building, grading or other construction permits or use permits shall be issued by the city, until 21 days from the date a [shoreline](#) substantial development permit was filed with the Department of Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the 21 days immediately following the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

C. No permits and construction pursuant to a [shoreline](#) special use permit or [shoreline](#) variance shall begin or be authorized until 21 days from the date of notification of approval by the Department of Ecology, or until all review proceedings are completed as were initiated within the 21 days immediately following the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

D. Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143, construction activities, or a use or activity for which a permit has been granted pursuant to this shoreline program, must be commenced within two years of the effective date of a shoreline permit, or the shoreline permit shall terminate and a new permit shall be necessary. However, the administrator may authorize a single extension for a period not to exceed one year based on reasonable factors if a request for extension has been filed with the city before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology. "Construction activities" or "commencement of construction" means that construction applications must be submitted, permits must be issued, and foundation inspections must be approved and completed.

E. A permit authorizing construction shall extend for a term of no more than five years after the effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW 90.58.143 and subsection (F) of this section. If an applicant files a request for an extension prior to expiration of the shoreline permit, the administrator shall review the permit, and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one year. Otherwise, said permit shall terminate. Notice of the proposed permit extension shall be given to parties of record and the Department of Ecology. To maintain the validity of a shoreline permit, it is the applicant's responsibility to maintain valid construction permits in accordance with adopted building codes.

F. If it is determined that standard time requirements of subsections (D) and (E) of this section should not be applied, the decision maker, upon a finding of good cause, may establish shorter time limits; provided, that as a part of action on a special use or variance, the approval of the Department of Ecology shall be required. "Good cause" means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.

G. For purposes of determining the life of a shoreline permit, the effective date of a shoreline substantial development permit, shoreline special use permit, or shoreline variance permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods do not include the time during which a use or activity was not actually pursued due to the pendency of appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed.

H. It is the responsibility of the applicant to inform the administrator of the pendency of other permit applications filed with agencies other than the city, and of any related administrative or legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the city prior to the expiration date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the effective date of the shoreline permit.

I. If the granting of a shoreline permit by the city is appealed to the Shorelines Hearings Board, and the Shorelines Hearings Board has approved the granting of the permit, and an appeal for judicial review of the Shorelines Hearings Board decision is filed, construction authorization may occur subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(c).

26.50.080 Land division.

Prior to approval of any land division, such as short subdivisions, preliminary long plats, and boundary line adjustments within shoreline jurisdiction, the city shall document compliance with bulk and dimensional standards as well as policies and regulations of the shoreline master program, and attach appropriate conditions and/or mitigating measures to such approvals to ensure the design, development activities, and future use associated with such lands are consistent with the shoreline master program. A prohibition on individual private docks shall be imposed on all land divisions.

26.50.090 Construction permit compliance.

For all development within shoreline jurisdiction, the building official shall not issue a construction permit for such development until compliance with the shoreline master program has been documented. If a shoreline substantial development permit is required, no permit shall be issued until all comment and appeal periods have expired. Any permit issued by the building official for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

26.50.100 Rulings to state.

Any ruling on an application for a permit or permit revision under authority of this shoreline program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with the Department of Ecology and the Attorney General by the administrator. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

26.50.110 Appeals.

Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the Shorelines Hearings Board by filing a petition for review within 21 days of the date of receipt of the decision as provided for in RCW 90.58.140(6).

26.50.120 Rescission of permits.

A. Any shoreline permit issued under the terms of this shoreline [master](#) program may be rescinded or suspended upon a finding that a permittee has not complied with conditions of the permit.

B. Such rescission and/or modification of an issued permit shall be initiated by serving written notice of noncompliance on the permittee, which shall be sent by registered or certified mail, return receipt requested, to the address listed on the application, or to such other address as the applicant or permittee may have advised the city; or such notice may be served on the applicant or permittee in person or on his agent in the same manner as service of summons as provided by law.

C. Before any such permit can be rescinded, a public hearing shall be held by the administrator. Notice of the public hearing shall be made in accordance with Chapter 19.40 RMC. The decision of the administrator shall be the final decision of the city on all rescinded applications. A written decision shall be transmitted to the Department of Ecology, the Attorney General's office, the applicant, and such other departments or boards of the city as are affected thereby and the city council.

D. The Department of Ecology may petition the Shorelines Hearings Board for a rescission of the permit if Ecology is of the opinion that the noncompliance continues to exist 30 days after the date of the notice, and the city has taken no action to rescind the permit, as provided by RCW 90.58.140(8).

26.50.121 Violations – Penalties.

A. Violation of this chapter is subject to the procedures and penalties of Chapter 10.02 RMC, Violations and Procedures.

B. In addition to the provisions of RMC Title 10, the city attorney may bring action pursuant to Chapter 90.58 RCW and other applicable statutes, including such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the state within the city's jurisdiction which are in conflict with the provisions and programs of this shoreline program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this program and the Shoreline Management Act of 1971, including the cease and desist provisions of WAC 173-27-270.

C. Any person who shall fail to conform to the terms of a permit issued under this chapter, or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter, shall also be subject to a civil penalty not to exceed \$1,000 for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

D. In addition to incurring civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the shoreline master program rules or regulations adopted pursuant thereto shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$25.00 nor more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment; provided, that the third and all subsequent violations in any five-year period shall constitute a gross misdemeanor punishable by up to 364 days of imprisonment and a fine of not less than \$500.00 nor more than \$5,000.

E. In addition to subsections (A) through (D) of this section, any person subject to this shoreline program who violates any provision of this shoreline program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The city attorney shall bring suit for damages under this subsection on behalf of the city. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

26.50.140 Restoration project relocation of OHWM.

The city may grant relief from shoreline master program development standards and use regulations when the following apply:

A. A shoreline restoration project causes, or would cause, a landward shift in the ordinary high water mark, resulting in the following:

1. Land that had not been regulated under this title prior to construction of the restoration project is brought under shoreline jurisdiction; or

2. Additional regulatory requirements apply due to a landward shift in required ~~shoreline~~ buffers or other regulations of the shoreline master program; and

3. Application of shoreline master program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.

B. The proposed relief meets all of the following criteria:

1. The proposed relief is the minimum necessary to relieve the hardship;

2. After granting the proposed relief, there is net environmental benefit from the restoration project; and

3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the shoreline master program.

4. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.

C. The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during Ecology's normal review of a shoreline substantial development permit, [shoreline](#) special use permit, or [shoreline](#) variance. If no such permit is required, then Ecology shall conduct its review when the city provides a copy of a complete application and all supporting information necessary to conduct the review.

1. Except as otherwise provided in subsection (D) of this section, the Department of Ecology shall provide at least 20 days' notice to parties that have indicated interest to Ecology in reviewing applications for relief under this section, and post the notice on Ecology's website.

2. The Department of Ecology shall act within 30 calendar days of close of the public notice period, or within 30 days of receipt of the proposal from the city if additional public notice is not required.

D. The public notice requirements of subsection (C) of this section do not apply if the relevant shoreline restoration project was included in a shoreline master program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

1. The restoration plan has been approved by Ecology under applicable shoreline master program guidelines; and

2. The shoreline restoration project is specifically identified in the shoreline master program or restoration plan, or is located along a shoreline reach identified in the shoreline master program or restoration plan as appropriate for granting relief from shoreline regulations; and

3. The shoreline master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

26.50.150 Shoreline moratorium.

The city council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act in accordance with RCW 90.58.590.

26.50.160 Non-conforming development.

A. "Non-conforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the SMA or the SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP. Nonconforming use and development standards not addressed in RCW 90.58.270(5), 90.58.620, and not addressed by the SMP are found in WAC 173-27-080. In the event of a conflict between WAC 173-27-080 and the standards contained in the RMC, the requirement that most supports the provisions of the SMA as stated in RCW 90.58.020 shall apply, as determined by the City's Shoreline Administrator.

B. Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the SMA or the SMP, or amendments thereto, but which does not conform to present regulations or standards of the SMP or policies of the SMA. In such cases, the following standards shall apply:

1) Nonconforming uses and structures may continue provided that it is not enlarged or expanded;

2) A nonconforming use or structure which is moved any distance must be brought into conformance with the SMA and the SMP;

3) If a nonconforming structure is damaged to an extent not exceeding fifty percent (50%) replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one (1) year of the date of damage. Single-family nonconforming development may be replaced if damaged to one hundred percent (100%), if the restoration is completed within three (3) years of the date of damage;

4) If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two (2) year period, any subsequent use shall be conforming; it shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire;

5) A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed;

6) An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the SMA and the SMP, but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the SMA and the SMP;

7) A use which is listed as a conditional use but which existed prior to adoption of the SMP for which a shoreline conditional use permit has not been obtained shall be considered a nonconforming use; and

8) A structure for which a shoreline variance has been issued shall be considered a legal nonconforming structure and the requirements of this Section shall apply as they apply to preexisting nonconformities.

Chapter 26.60

~~SENSITIVE~~CRITICAL AREAS

Sections:

Article I. General Provisions

- 26.60.005 ~~Sensitive~~Critical areas.
- 26.60.010 General purpose and intent.
- 26.60.012 General applicability of these regulations.
- 26.60.015 General relationship of regulations ~~of one type of sensitive area protection~~ to other regulations.

Article II. Wetlands

- 26.60.020 Regulated activities in wetlands.
- 26.60.021 ~~Exemptions~~Exceptions and allowed uses in wetlands.
- 26.60.022 Wetland inventory maps.
- 26.60.023 Rating – Categories of wetland.
- 26.60.024 Wetland buffer areas.
- 26.60.025 Wetland ~~Buffer~~buffer modifications.
- 26.60.026 Wetland alteration and mitigation.
- 26.60.027 Stormwater runoff.
- 26.60.028 Mitigation standards, criteria, and plan requirements.
- 26.60.029 Wetland mitigation plan requirements.
- 26.60.030 ~~Performance~~Design standards for wetlands mitigation planning.
- 26.60.031 Wetland monitoring program and contingency plan.
- ~~26.60.032 Unauthorized alterations and enforcement.~~

Article III. Fish and Wildlife Habitat Conservation Areas

- 26.60.040 ~~Exemption~~Exceptions from fish and wildlife habitat conservation regulations.
- 26.60.041 ~~Fish and wildlife habitat inventory maps.~~
~~Fish and wildlife habitat conservation areas.~~
- 26.60.042 Fish and wildlife habitat conservation ~~buffer~~ areas ~~s~~ buffers.
- 26.60.043 ~~Fish and wildlife habitat alteration.~~ Fish and wildlife habitat conservation area inventory maps.
- 26.60.044 ~~Fish and wildlife habitat performance standards and incentives.~~
Requirements for habitat conservation area reports.
- 26.60.045 Fish and wildlife habitat conservation area – Performance standards.
- 26.60.046 Fish and wildlife habitat conservation area alteration.

Article IV. ~~Geologic Hazard Areas~~Geologically hazardous areas

- 26.60.050 Identification and definition.
- 26.60.051 Applicability to geological hazards.
- 26.60.052 Geologic hazard inventory maps.
- 26.60.053 Preliminary assessment.

- 26.60.054 Geologic reports and studies.
- 26.60.055 Administrative evaluation of geologic reports and studies.
- 26.60.056 Assurance.

Article V. Critical Aquifer Recharge Areas Protection

- 26.60.057 Identification and definition.
- 26.60.058 Critical aquifer recharge area maps.
- 26.60.059 ~~General exemptions.~~ Exceptions from critical aquifer recharge area regulations.
- 26.60.060 Reports and studies.
- 26.60.061 Performance standards.
- 26.60.062 Uses prohibited in critical aquifer recharge areas.

Article VI. Flood Hazard Areas

- 26.60.070 Identification and definition.
- 26.60.071 Maps and references.
- 26.60.072 Protection standards.

Article VII. General Information

- 26.60.080 General ~~exemptions.~~ exceptions.
- 26.60.081 Permit process and application requirements.
- 26.60.082 Requirements of qualified consultants.
- 26.60.083 Land divisions.
- 26.60.084 General procedural provisions.
- 26.60.085 Unauthorized alteration and enforcement.
- 26.60.086 Notice on title.

Article I. General Provisions

26.60.005 ~~Sensitive-Critical~~ areas.

The following sections of this chapter, ~~Sensitive-Critical~~ Areas, apply to ~~sensitive-critical~~ areas within Shoreline Management Act jurisdiction.

26.60.010 General purpose and intent.

A. ~~Sensitive-Critical~~ areas perform many important biological and physical functions that benefit the city of Richland and its residents. The city shall regulate in the shoreline jurisdiction all uses, activities, and development within, adjacent to, or likely to affect one or more ~~sensitive-critical~~ areas, consistent with the provisions of this chapter, ~~Sensitive-Critical~~ Areas.

These functions include, but are not limited to, the following (by type):

1. Wetlands: helping to maintain water quality; storing and conveying stormwater and flood water; recharging ground water; ~~providing important wildlife habitat; and serving as areas for recreation, educational and scientific study, and aesthetic appreciation.~~ Contributing to stream flow during low flow periods; stabilizing stream

banks and shorelines; providing important wildlife habitat providing food, breeding, nesting and/or rearing habitat for fish and wildlife; improving water quality through biofiltration, adsorption and retention and transformation of sediments, nutrients and toxicants and serving as areas for recreation, educational and scientific study, and aesthetic appreciation; such beneficial functions are widely known as ecosystem services.

2. Fish and wildlife ~~habitat areas~~habitat conservation areas: maintaining species diversity and genetic diversity of local flora and fauna; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, educational and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.

3. In addition, certain portions of the city of Richland are characterized by geologic hazards that pose a risk to public and private property, to human life and safety, and to the natural systems that make up the environment of the city of Richland. These lands are affected by natural processes that make them susceptible to landslides, seismic activity, and/or severe erosion. The city of Richland maintains that protection of ~~sensitive~~critical areas and regulation of geologic hazards are necessary to protect the public health, safety, and welfare.

4. Certain portions of the city are located within critical aquifer recharge areas whose potential contamination poses a risk to public health and safety. These lands are susceptible to the degradation of ground water quality and quantity that could potentially impact potable water systems.

5. Certain portions of the city are subject to frequent flooding. Areas that are subject to flooding perform important hydrologic functions and may present risks to persons and property. Floodplains are regulated by the city under Chapter 22.16 RMC.

B. This chapter contains standards, guidelines, criteria and requirements intended to identify, analyze, and mitigate probable impacts to the city of Richland's ~~sensitive~~critical areas and ~~geologic hazard areas~~geologically hazardous areas within the shoreline jurisdiction and to enhance and restore them when possible. The intent of these regulations, in concert with other shoreline master program provisions, is to achieve no net loss of ecological function. In appropriate circumstances, impacts to ~~sensitive~~critical and ~~geologic hazard areas~~geologically hazardous areas that result from regulated activities may be minimized, rectified, reduced, and/or compensated for, consistent with these requirements. The city of Richland's goal shall be the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes to achieve no net loss of shoreline ecological functions, and to avoid probable impacts, to the extent feasible, to all ~~sensitive~~critical areas.

C. It is the intent of this chapter to:

1. Implement the goals and policies of the city of Richland's comprehensive plan, including those goals and policies that pertain to natural features and environmental protection; aesthetics and community character; adequate housing and infrastructure; opportunities for economic development; creation of a balanced transportation system; adequate public facilities; and achievement of a mix of land use types and densities consistent with the city of Richland's land use plan;

2. Protect ~~sensitive~~-critical areas through the application of the most current, accurate, and complete scientific or technical information available as determined according to WAC 173-26-201(2)(a), and in consultation with state and federal agencies and other qualified professionals, and to integrate the full spectrum of state, tribal, and federal programs;

3. Comply with the Shoreline Management Act, Chapter 90.58 RCW, and implementing rules;

4. Serve as a basis for exercise of the city's substantive authority under the State Environmental Policy Act (SEPA) and the city's SEPA rules;

5. Comply with the requirements of the Growth Management Act, Chapter 36.70A RCW, and implementing rules; and

6. Coordinate environmental review and permitting of proposals to avoid duplication and delay.

D. The city of Richland has mapping available from a variety of local, state, and federal information sources and based on topographic, geologic, hydrologic, and habitat characteristics that indicate where ~~sensitive~~-critical areas or geologic hazards may exist. Additional study and mapping are needed to verify that such conditions do prevail, and to identify other areas that are potentially ~~sensitive~~-critical areas. Maps and reference documents in the city of Richland's SMP inventory, characterization and analysis report include this information. This mapping helps the city identify the potential presence of ~~sensitive~~-critical areas or the risks associated with developing lands subject to geologic hazards to the public. It should be noted that the boundaries of the ~~sensitive~~-critical areas ~~and geologic hazard areas~~ displayed on these maps are approximate and are not intended to be used for individual site assessment. When differences occur between what is illustrated on these maps and current site conditions, the actual presence or absence of environmentally ~~sensitive~~-critical areas ~~or geologic hazard areas~~ on the site shall determine the action to be taken.

26.60.012 General applicability of these regulations.

The provisions of these regulations shall apply to any activity ~~that affects~~-affecting ~~sensitive~~-critical areas or their established buffers within the city's shoreline jurisdiction, and this provision applies whether or not a shoreline substantial development permit or other type of city approval is being sought or is required.

26.60.015 General relationship of regulations ~~of one type of sensitive area protection~~ to other regulations.

These ~~sensitive-critical~~ area regulations shall apply as an overlay and in addition to shoreline, zoning, land use, and other regulations established by the city of Richland.

Areas characterized as ~~sensitive-critical~~ may also be subject to other regulations established by this title due to the overlap or multiple functions of some ~~sensitive-critical or critical~~ areas. For example, some landslide hazard areas (e.g., steep slopes) adjacent to wetlands may be regulated by buffering requirements according to the wetland management provisions of this title. Wetlands may be defined and regulated according to the wetland section and habitat management provisions of this title.

In the event of any conflict between these regulations and any other regulations of the city of Richland, the regulations which provide greater protection to environmentally ~~sensitive-critical~~ areas shall apply.

Article II. Wetlands

26.60.020 Regulated activities in wetlands.

The following activities ~~which occur in conjunction with a development application~~ within a wetland and its associated buffer, or outside a wetland or buffer but affecting the wetland or buffer, shall be regulated pursuant to the standards of this chapter to achieve, at a minimum, no net loss of wetland area and ecological functions, including lost time when the wetland does not perform the function:

- A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;
- B. Dumping, discharging or filling with any material;
- C. Draining, flooding or disturbing the water level or water table;
- D. Driving, piling or placing obstructions;
- E. Constructing, reconstructing, demolishing or altering any structure or infrastructure, or if the activity results in greater impervious surface coverage;
- F. Destroying or altering vegetation, including through clearing, intentional burning, harvesting, shading or planting vegetation that would alter the character of wetland;
- G. Activities that result in significant changes in water temperature, physical or chemical characteristics of wetland water sources, introduction of pollutants, including water quantity and quality as stated in Chapter 90.03 RCW and Chapter 173-201 WAC;
- H. Alteration of natural drainage patterns or any activity that results in a discharge of stormwater runoff into a wetland; and
- I. Any other activities affecting a wetland or wetland buffer not otherwise exempt from the provisions of this article.

26.60.021 ~~Exemptions~~ Exceptions and allowed uses in wetlands.

A. Wetlands. Small, isolated wetlands in arid landscapes often have higher value and perform greater functions than in other settings. However, in certain circumstances, applying the buffers in Table 26.60.024(D) RMC may result in buffer areas larger than the wetland being protected. In these instances, a critical area report for wetlands must be submitted and the City may consult with the Department of Ecology to determine whether ~~exemptions~~ exceptions from mitigation sequencing and/or reduced buffers are warranted. ~~The following wetlands are exempt from the buffer provisions contained in this chapter and the normal mitigation sequencing process in RMC 26.20.020. They may be filled if impacts are fully mitigated based on provisions in RMC 26.60.026, Wetland alteration and mitigation. In order to verify the following conditions, a critical area report for wetlands must be submitted:~~

- ~~1. All isolated Category III and IV wetlands less than 1,000 square feet that:~~
 - ~~a. Are not associated with riparian areas or buffer;~~
 - ~~b. Are not part of a wetland mosaic;~~
 - ~~c. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance;~~
 - ~~d. Are not a vernal pool;~~
 - ~~e. Are not an alkali wetland; and~~
 - ~~f. Do not contain aspen stands.~~

B. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a ~~sensitive~~ critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – general forest practice permits (conversions) as defined in Chapter 76.09 RCW and Chapter 222-12 WAC.
2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops, and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

4. Agricultural activities that are existing and ongoing; provided, that they implement applicable best management practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service's Field Office Technical Guide; or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts to wetlands from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations and wildlife habitat.

~~4~~5. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.

~~5~~6. Enhancement of a wetland through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities shall occur in conjunction with removal of invasive plant species.

~~6~~7. Educational and scientific research activities.

~~7~~8. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not expand the footprint or use of the facility or right-of-way.

C. Notwithstanding the ~~exemptions~~exceptions provided by this chapter, any otherwise exempt activities occurring in or near wetlands shall comply with the intent of these standards and shall consider on-site alternatives that achieve no net loss of ecological wetland functions.

26.60.022 Wetland inventory maps.

The approximate location and extent of wetlands within the city of Richland's planning area are shown on the ~~sensitive~~critical areas maps adopted as part of this program, and provided in the city's SMP inventory, analysis and characterization report. These maps shall be used only as a general guide for the assistance of property owners and the public, as the boundaries are generalized. The actual type, extent, and boundaries of wetlands shall be determined in the field by a qualified ~~consultant~~professional according to the procedures, definitions, and criteria established by this title. In the event of any conflict between the wetland location or designation shown on the city of

Richland's maps and the criteria or standards of this title, the results of applying the criteria and standards during the field investigation shall control.

Additional guidance may be obtained from a Department of Ecology publication "Focus on Irrigation Influenced Wetlands, Publication No. 10-06-015." Or as may be amended in the future.

26.60.023 Rating – Categories of wetland.

Wetlands shall be designated Category I, Category II, Category III, or Category IV according to the following criteria:

~~A. Categories I, II, III, and IV are~~ As set forth in the Washington State Department of Ecology's Washington State Wetlands Rating System for Eastern Washington, Publication No. 04-06-030, as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System).

26.60.024 Wetland buffer areas.

A. The establishment of wetland ~~buffer areas~~ buffers shall be required for all development proposals and activities adjacent to wetlands to protect the integrity, function, and value of the wetland. Buffers shall consist of an undisturbed area of vegetation established to protect the functions and values of the wetland. The standard buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community, or the buffer should be widened to ensure that adequate functions of the buffer are provided. Buffers shall be determined in conjunction with considerations of wetland type and quality, approved wetland alterations, and required mitigation measures. Buffers are not intended to be established or to function independently of the wetland they are established to protect; the establishment of a buffer shall not operate to prevent a use or activity that would otherwise be permitted in the wetland subject to mitigation.

B. Buffers shall be measured from the wetland edge as delineated using the ~~1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and the Arid West Regional Supplement.~~ Approved federal wetland delineation manual and applicable regional supplements as may be amended. Buffers shall be marked in the field. Required buffer widths shall be determined according to the proposed land use (Table 26.60.024(C)) and the wetland category (Table 26.60.024(D)).

C. The following table describes the types of land use:

Table 26.60.024(C) Land Use Intensity Table

Level of Impact from Proposed Change in Land Use	Types of Land Use <u>Types Based on Common Zoning Designations</u>
High	• Commercial

Level of Impact from Proposed Change in Land Use	Types of Land Use <u>Types Based on Common Zoning Designations</u>	
	•	Urban
	•	Industrial
	•	Institutional
	•	Retail sales
	•	Residential (more than 1 unit/acre)
	•	High intensity recreation (golf courses, ball fields, etc.)
	•	Conversion to high intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)
	•	Hobby farms
Moderate	•	Residential (1 unit/acre or less)
	•	Moderate intensity open space (parks with biking, jogging, etc.)
	•	Paved driveways and gravel driveways serving 3 or more residences
	•	Paved trails
	•	Conversion to moderate intensity agriculture (orchards, hay fields, etc.)
	•	Utility corridor or right-of-way shared by several utilities and including access/maintenance road
Low	•	Low intensity open space (hiking, bird watching, preservation of natural resources, etc.)
	•	Timber management (cutting of trees only)
	•	Gravel driveways serving 2 or fewer residences
	•	Unpaved trails
	•	Utility corridor without a maintenance road and little or no vegetation management

D. The following buffer widths are established:

Table 26.60.024(D) Wetland Buffer Widths

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
<i>Category IV Wetlands (For wetlands scoring less than 16 points for all functions)</i>		

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
Score for all 3 basic functions is less than 16 points	Low – 25 ft Moderate – 40 ft High – 50 ft	No recommendations at this time None
<i>Category III Wetlands (For wetlands scoring 16 – 18 points for all functions)</i>		
Moderate level of function for habitat (score for habitat 5 – 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time None
*If wetland scores 8 – 9 habitat points, see Category II buffers	–	–
Score for habitat 3 – 4 points	Low – 40 ft Moderate – 60 ft High – 80 ft	No recommendations at this time None
<i>Category II Wetlands (For wetlands that score 19 – 21 points for all functions or having the “special characteristics” identified in the rating system)</i>		
High level of function for habitat (score for habitat 8 – 9 points)	Low – 100 ft Moderate – 150 ft High – 200 ft	Maintain connections to other habitat areas habitat conservation areas
Moderate level of function for habitat (score for habitat 5 – 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time None
High level of function for water quality improvement and low for habitat (score for water quality 8 – 9 points; low for habitat less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time No additional surface discharges of untreated runoff
Riparian forest	Buffer width to be based on score for habitat functions or water quality functions	Riparian forest wetlands need to be protected at a watershed or subbasin scale. Other protection based on needs to protect habitat and/or water quality functions
Not meeting above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time None
<i>Category I Wetlands (For wetlands that score 22 points or more for all functions or having the “special characteristics” identified in the rating system)</i>		
Wetlands of high conservation value	Low – 125 ft Moderate – 190 ft High – 250 ft	No additional surface discharges to wetland or its tributaries No septic systems within 300 ft of wetland Restore degraded parts of buffer
High level of function for habitat (score for habitat 8 – 9 points)	Low – 100 ft Moderate – 150 ft	Restore degraded parts of buffer

Wetland Characteristics	Buffer Width by Impact of Proposed Land Use	Other Measures Recommended for Protection
	High – 200 ft	Maintain connections to other habitat areas habitat conservation areas
Moderate level of function for habitat (score for habitat 5 – 7 points)	Low – 75 ft Moderate – 110 ft High – 150 ft	No recommendations at this time– None
High level of function for water quality improvement (8 – 9 points) and low for habitat (less than 5 points)	Low – 50 ft Moderate – 75 ft High – 100 ft	No additional surface discharges of untreated runoff
Not meeting any of the above characteristics	Low – 50 ft Moderate – 75 ft High – 100 ft	No recommendations at this time– None

26.60.025 [Wetland](#) Buffer modifications.

A. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

1. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a “dual-rated” wetland with a Category I area adjacent to a lower rated area.
2. The buffer is increased adjacent to the higher functioning area of habitat or more [environmentally](#) sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.
3. The total area of the buffer after averaging is equal to the area required without averaging.
4. The buffer at its narrowest point is never less than either three-quarters of the required width or 75 feet for Categories I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

B. Averaging ~~for proposed land~~ [to allow reasonable](#) uses may be allowed when all of the following are met:

1. There are no feasible alternatives to the site design that could be accomplished without buffer averaging.
2. The averaged buffer will not result in degradation of the wetland’s functions and values as demonstrated by a critical areas report from a qualified wetland professional.

3. The total buffer area after averaging is equal to the area required without averaging.

4. The buffer at its narrowest point is never less than either three-quarters of the required width or 75 feet for Categories I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

C. Reduction in Buffer Width Based on Reducing the Intensity of Impacts from Proposed Land Uses.

1. The buffer widths recommended for proposed land uses with high intensity impacts to wetlands can be reduced to those recommended for moderate intensity impacts under the following conditions:

a. For wetlands that score moderate or high for habitat (five points or more for the habitat functions), the width of the buffer can be reduced if all three of the following criteria are met:

i. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife. (“Relatively undisturbed” and “vegetated corridor” are defined in the Washington State Wetland Rating System for Eastern Washington – 2014 Update, or latest update.) Priority habitats in eastern Washington include:

(A) Wetlands;

(B) Riparian zones;

(C) Cliffs;

(D) Urban natural open space.

(E) Shrub-steppe habitat

ii. The corridor must be protected for the entire distance between the wetland and the priority habitat by some type of legal protection, such as a conservation easement.

iii. Measures to minimize the impacts of different land uses on wetlands, ~~such as the examples summarized as applicable~~ in Table 26.60.025(D), are applied.

b. For wetlands that score fewer than five points for habitat, the buffer width can be reduced to that required for moderate land use impacts by applying applicable measures to minimize the impacts of the proposed land uses (see examples in Table 26.60.025(D)).

D. ~~Examples of Measures to Minimize Impacts~~ Required Mitigation to Minimize Impacts to Wetlands from Changes in Land Uses with High Impacts.

Table 26.60.025(D) Examples of Measures to Minimize Impacts to Wetlands from Changes in Land Uses with High Impacts

Examples of Disturbance Types	<u>Examples of</u> Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts <u>Required Mitigation</u>
Lights	• Parking lots • Warehouses • Manufacturing • Residential areas	• Direct lights away from wetland
Noise	• Manufacturing • Residential areas	• Locate activity that generates noise away from wetland • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-ft. heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
Toxic runoff*	• Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping	• Route all new, untreated runoff away from wetland, while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150 ft of wetland • Apply integrated pest management
Stormwater runoff	• Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • <u>Use low-impact development techniques</u>
Change in water regime	• Impermeable surfaces • Lawns • Tilling	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Residential areas	• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
Dust	• Tilled fields	• Use BMPs to control dust

Examples of Disturbance Types	Examples of Activities and Uses that Cause Disturbances	Examples of Measures to Minimize Impacts <u>Required Mitigation</u>
* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

E. The ~~minimum~~ buffer width stated in Table 26.60.024(D), Wetland Buffer Widths, shall be increased when the qualified ~~consultant~~ professional determines, based upon a site-specific wetland analysis, that impacts on the wetland from a proposed development can only be mitigated by a greater buffer width. The standard wetland buffer width shall be increased:

1. When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts; or
2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or
3. When the wetland provides habitat for a species that is particularly sensitive to disturbance (listed by the federal government or the state as endangered, threatened, candidate, monitored or documented priority species or habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees), the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs; or
4. When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be ~~increased by 50 percent.~~ The greater of either:
 - a. The minimum buffer for that particular wetland; or
 - b. Twenty-five (25) feet beyond the point where slopes become 25% or less.

F. Low impact land uses and activities (see Table 26.60.024(C)) that are consistent with the purpose and function of the wetland buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the wetland. Examples of uses and activities that may be permitted in appropriate cases, based on guidance in the Wetlands ~~and CAO Guidance for Small Cities, Eastern Washington version (dated January 2010, revised October 2012, as may be~~ Guidance for CAO updates, June 2016, publication No. 16-06-002 and as amended in the future), include pervious pedestrian trails, viewing platforms, normal and routine maintenance of existing ~~stormwater management facilities such as grass-lined swales, and~~ utility easements provided the maintenance and repair does not increase the footprint or use of the facility or right-of-way. Uses permitted within the buffer shall be located in the outer portion of the buffer as far as possible from the wetland.

G. A variance from buffer width requirements may be granted by the city of Richland Hearing Examiner following a Type II procedure and payment of a fee as set forth in RMC Title 19 upon a demonstration by the applicant that the shoreline variance criteria are met per RMC 26.50.060.

H. Signs and Fencing of Wetlands and Buffers.

1. Temporary Markers. The outer perimeter of the wetland buffer and the clearing limits identified in an approved permit or land use approval shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the administrator prior to the commencement of permitted activities. Temporary marking shall be maintained throughout completion of all construction activities.

2. Permanent Signs. As a condition of any permit or land use approval, the administrator may require the applicant to install permanent signs along the boundary of a wetland or its buffer. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post. Signs, when required, shall be posted at an interval of one every 50 feet or one per lot if a lot is less than 50 feet wide and must be maintained by the property owner in perpetuity. Wording of the sign shall note the presence of a protected wetland area and/or wildlife habitat. Specific wording of the sign shall be approved by the administrator.

3. Fencing.

a. The applicant shall be required to install a permanent fence around the wetland or its buffer when domestic grazing animals are present or may be introduced on site.

b. Fencing installed as part of a proposed activity or as required by the administrator shall be designed so as not to interfere with species migration and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.

26.60.026 Wetland alteration and mitigation.

A. All adverse impacts to wetland functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the ~~following~~ priority sequence per RMC 26.20.020(B), Ecological functions, no net loss (mitigation sequence).

B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this section. These shall include consideration of alternative site plans and building layouts and/or reduction in the density or scope of the proposal.

C. Alteration of wetlands and/or their buffers may be permitted by the ~~city~~-Administrator subject to the following criteria:

1. Category I Wetlands. Alterations of Category I wetlands shall be avoided.
2. Category II, III & IV Wetlands.
 - a. Any proposed alteration and mitigation shall comply with the requirements of this section through RMC 26.60.02830, Mitigation standards, criteria, ~~and~~ plan requirements, and design standards for wetlands mitigation planning; and
 - b. No net loss of wetland function and value will occur due to the alteration; and

~~3. Category III Wetlands.~~

~~a.c. The proposed mitigation complies with the requirements of this section through RMC 26.60.028, Mitigation standards, criteria, and plan requirements, avoids alterations of wetlands previously enhanced or created as mitigation; and~~

~~b.c.~~ Where enhancement is proposed, replacement ratios comply with the requirements of RMC 26.60.028(C), Wetland Replacement Ratios.; and

d. Avoids alterations of wetlands previously enhanced or created as mitigation.

26.60.027 Stormwater runoff.

New development within 150 feet of a wetland buffer shall contain stormwater runoff within the developed portions of the site. No stormwater runoff shall drain into the wetland. Deviations from this standard may be approved by the ~~city~~ Administrator; provided, that a study undertaken by a qualified ~~consultant~~ professional in accordance with the provisions of RMC 26.60.028 indicates that the potential discharge of stormwater runoff from a development site into a wetland is adequately mitigated to protect the functions and values of the wetland. In the case of a Category III or Category IV wetland, stormwater management facilities may be located within the outer 25 percent of the required wetland buffer; provided, that a determination is made that no other location is feasible and the location of such facilities will not have an adverse impact on the functions and values of the wetland.

Streamflows that are influenced by irrigation practices are not considered stormwater runoff for the purposes of this chapter.

26.60.028 Mitigation standards, criteria, and plan requirements.

~~A. Location and Timing of Mitigation.~~

~~1. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same subdrainage basin and on the site of the alteration except when all of subsections (A)(1)(a) through (d) of this section apply. In that case, mitigation may be allowed off site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.~~

~~a. There are no reasonable opportunities on-site or within the subdrainage basin (e.g., on-site options would require elimination of high-functioning upland-habitat), or opportunities on-site or within the subdrainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).~~

~~b. On-site mitigation would require elimination of high-quality upland habitat.~~

~~c. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.~~

~~d. Off-site locations shall be in the same subdrainage basin unless:~~

~~i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site.~~

~~ii. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally-saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.~~

~~2. Timing of Compensatory Mitigation. It is desirable that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.~~

~~3. The administrator may authorize a one-time, temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries~~

window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the city.

B. Mitigation Performance Standards.

1. Adverse impacts to wetlands functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RMC 26.20.020, Ecological functions, no net loss. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

a. All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland. Describe how preferred order of wetlands mitigation was followed: (i) restoration (including reestablishment and rehabilitation); (ii) creation (establishment); (iii) enhancement in combination with restoration or creation; and (iv) preservation of high quality, at-risk wetlands.

b. Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible, and shall achieve equivalent or greater wetland ecological functions.

c. No overall net loss will occur in wetland functions and values.

d. The restored, created, or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

C. Wetland Replacement Ratios.

1. Where wetlands alterations are permitted by the city, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors, and projected success of restoration or creation.

2. The following acreage replacement ratios shall be applied:

Table 26.60.028. Mitigation Ratios for Eastern Washington¹–

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only²	Reestablishment or Creation (R/C) and Rehabilitation (RH)²	Reestablishment or Creation (R/C) and Enhancement (E)²	Enhancement Only²
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1

Category and Type of Wetland Impacts	Reestablishment or Creation	Rehabilitation Only²	Reestablishment or Creation (R/C) and Rehabilitation (RH)²	Reestablishment or Creation (R/C) and Enhancement (E)²	Enhancement Only²
Category II Forested	4:1	8:1	1:1 R/C and 4:1 RH	1:1 R/C and 6:1 E	16:1
Category II Vernal Pool	2:1 Replacement must be seasonally ponded wetland	4:1 Replacement must be seasonally ponded wetland	1:1 R/C and 2:1 RH	Case-by-case	Case-by-case
All Other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Wetland of High Conservation Value	Not considered possible ³	6:1 Rehabilitation of a natural heritage site	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case
Category I Alkali	Not considered possible ³	6:1 Rehabilitation of an alkali wetland	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case
Category I Bog	Not considered possible ³	6:1 Rehabilitation of a bog	R/C Not considered possible ³	R/C Not considered possible ³	Case-by-case

1. Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1b, Wetland Mitigation in Washington State — Part 1: Agency Policies and Guidance — Version 1 (Ecology Publication No. 06-06-011a, Olympia, WA, March 2006, or as revised).

2. These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

3. Natural heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through

~~compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.~~

~~Reference:~~

~~—Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State—Part 1: Agency Policies and Guidance (Version 1).—~~

~~Washington State Department of Ecology Publication No. 06-06-011a, Olympia, WA.~~

~~3. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006), the administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report” (Ecology Publication No. 11-06-015, August 2012, or as revised).~~

A. Types of Compensatory Mitigation. Mitigation for lost or diminished wetland and buffer functions shall rely on a type listed below in order of preference. A lower preference form of mitigation shall be used only if the applicant’s qualified wetland professional demonstrates to the satisfaction of the administrator that all higher-ranked types of mitigation are not viable, consistent with the criteria in this section.

1. Restoration. Restoration is divided into:

a. Reestablishment.

b. Rehabilitation.

2. Creation (Establishment). If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the administrator may authorize creation of a wetland and buffer upon demonstration by the applicant’s qualified wetland professional that:

a. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;

b. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light or other impacts); and

c. The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.

3. Enhancement. Applications proposing to enhance wetland or associated buffers shall demonstrate how the proposed enhancement will increase the wetland’s buffer’s functions, how this increase in function will adequately compensate for the impacts, and how existing wetland functions at the mitigation site will be protected.

4. Protection/Maintenance (Preservation). Permanent protection of a Category I or II wetland and associated buffer at risk of degradation can be used only if:

- a. The administrator determines that the proposed preservation is the best mitigation option;
- b. The proposed preservation site is under threat of undesirable ecological change due to permitted, planned, or likely actions that will not be adequately mitigated under existing regulations;
- c. The area proposed for preservation is of high quality or critical for the health of the watershed or basin due to its location. Some of the following features may be indicative of high-quality sites:
 - i. Category I or II wetland rating (using the wetland rating system for Eastern Washington);
 - ii. Rare or irreplaceable wetland type or aquatic habitat that is rare or a limited resource in the area;
 - iii. The presence of habitat for priority or locally important wildlife species;
 - iv. Provides biological and/or hydrological connectivity;
 - v. Priority sites in an adopted watershed plan.
- d. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by an appropriate natural land resource manager, such as a land trust;
- e. The administrator may approve other legal and administrative mechanisms in lieu of a conservation easement if determined to be adequate to protect the site;
- f. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being impacted and the quality of the wetlands being preserved. Ratios for preservation as the sole means of mitigation generally start at 20:1.

B. Location and Timing of Mitigation.

1. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same subdrainage basin and on the site of the alteration except when all of subsections (B)(1)(a) through (d) of this section apply. In that case, mitigation may be allowed off site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.

- a. There are no reasonable opportunities on site or within the subdrainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the subdrainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic

classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity).

b. On-site mitigation would require elimination of high-quality upland habitat.

c. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.

d. Off-site locations shall be in the same subdrainage basin unless:

i. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the city and strongly justify location of mitigation at another site.

ii. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source[s] and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

2. Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

3. The administrator may authorize a one-time, temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the administrator.

C. Mitigation Performance Standards.

1. Adverse impacts to wetlands functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RMC ~~22.10.120(A)~~ 26.60.026. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

a. All feasible and reasonable measures will be taken to reduce impacts and losses to the original wetland, including a description of how preferred order of wetlands mitigation was followed: (i) restoration (including reestablishment and rehabilitation); (ii) creation (establishment); (iii) enhancement in combination with restoration or creation; and (iv) preservation of high quality, at-risk wetlands;

b. Compensatory mitigation shall be allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible, and shall achieve equivalent or greater wetland ecological functions;

c. No overall net loss will occur in wetland functions and values; and

d. The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

D. Wetland Replacement Ratios.

1. Where wetlands alterations are permitted by the administrator, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors, and projected success of restoration or creation.

2. The following acreage replacement ratios shall be applied:

Table 26.60.028(D) Mitigation Ratios for Eastern Washington¹

<u>Category and Type of Wetland Impacts</u>	<u>Reestablishment or Creation</u>	<u>Rehabilitation Only²</u>	<u>Reestablishment or Creation (R/C) and Rehabilitation (RH)²</u>	<u>Reestablishment or Creation (R, C) and Enhancement (E)²</u>	<u>Enhancement Only²</u>
<u>All Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 1:1 RH</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>
<u>All Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 2:1 RH</u>	<u>1:1 R/C and 4:1 E</u>	<u>8:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C and 4:1 RH</u>	<u>1:1 R/C and 8:1 E</u>	<u>12:1</u>
<u>Category I based on score for functions</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 6:1 RH</u>	<u>1:1 R/C and 12:1 E</u>	<u>16:1</u>
<u>Category I natural heritage site</u>	<u>Not considered possible³</u>	<u>Case-by-case</u>	<u>R/C not considered possible³</u>	<u>R/C not considered possible³</u>	<u>Case-by-case</u>

¹ Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1b, Wetland Mitigation in

Washington State – Part 1: Agency Policies and Guidance – Version 1, (Ecology Publication No. 06-06-011a, Olympia, WA, March 2006 or as revised).

² These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

³ Natural Heritage sites, alkali wetland, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

Reference:

Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10. March 2006. Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance (Version 1). Washington State Department of Ecology Publication No. 06-06-011a. Olympia, WA.

3. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance “Wetland Mitigation in Washington State Parts I and II” (Ecology Publication No. 06-06-011a-b, Olympia, WA, March 2006, or as revised), the administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Eastern Washington: Final Report” (Ecology Publication No. 11-06-015, August 2012, or as revised).

26.60.029 Wetland mitigation plan requirements.

Where it is determined by the ~~city~~ Administrator that compensatory wetland mitigation is required or appropriate, a mitigation plan shall be prepared consistent with the provisions below and shall also meet the minimum requirements contained in the Wetlands Guidance for ~~and CAO Guidance for Small Cities, Eastern Washington–version (dated January 2010, revised October 2012, CAO Updates: Eastern Washington, June 2016., Publication No. 16-06-002~~ and as amended in the future). The purpose of the plan is to prescribe mitigation to compensate for impacts to the wetland functions, values, and acreage as a result of the proposed action. This plan shall consider the chemical, physical, and biological impacts on the wetland system using a recognized wetlands assessment methodology and/or best professional judgment. The mitigation plan shall be prepared in two phases, a conceptual phase and a detailed phase.

A. Conceptual Plan – Standards and Criteria. The applicant shall prepare a conceptual mitigation plan for submission to the ~~city~~ [Administrator](#) at a pre-mitigation conference. The conceptual mitigation plan shall include:

1. General goals of the mitigation plan;
2. A review of literature or experience to date in restoring or creating the type of wetland proposed;
3. Location of proposed wetland compensation area;
4. General hydrologic patterns on the site following construction;
5. Nature of compensation, including wetland types (in-kind), general plant selection and justification, approximate project sequencing and schedule, and approximate size of the new wetland buffer;
6. A conceptual maintenance plan; and
7. A conceptual monitoring and contingency plan.

B. Detailed Plan – Standards and Criteria. Following acceptance of the conceptual mitigation plan by the ~~city~~ [Administrator](#), the applicant will prepare a detailed mitigation plan. Each detailed plan shall contain, at a minimum, the following [seven](#) components, and shall be consistent with the standards in RMC 26.60.023 through 26.60.028:

~~1. A clear statement of the objectives of the mitigation. The goals of the mitigation plan should be stated in terms of the new wetland functions and values compared to the functions and values of the original wetland.~~

~~2. Qualitative and quantitative standards for success of the project, including hydrologic characteristics (water depths, water quality, hydroperiod/hydrocycle characteristics, flood storage capacity); vegetative characteristics (community types, species composition, density, and spacing); faunal characteristics, and final topographic elevations.~~

~~3. An ecological assessment of the wetland values and wetland buffers that will be lost as a result of the activities, and of the replacement wetlands and buffers, including, but not limited to, the following:~~

~~a. Acreage of project;~~

~~b. Existing functions and values;~~

~~c. Sizes of wetlands, wetland buffers, and areas to be altered;~~

~~d. Vegetative characteristics, including community type, areal coverage, species composition, and density;~~

~~e. Habitat type(s) to be enhanced, restored, or created; and~~

~~f. Dates for beginning and completion of the mitigation project, and sequence of construction activities.~~

~~4. A statement of the location, elevation, and hydrology of the new site, including the following:~~

- ~~a. Relationship of the project to the watershed and existing water bodies;~~
- ~~b. Topography of the site using the smallest readily available intervals, preferably one-foot contour intervals but two-foot is acceptable;~~
- ~~c. Water level data, including depth and duration of seasonally high water table;~~
- ~~d. Water flow patterns;~~
- ~~e. Grading, filling and excavation, including a description of imported soils;~~
- ~~f. Irrigation requirements, if any;~~
- ~~g. Water pollution mitigation measures during construction;~~
- ~~h. Areal coverage of planted areas to open water areas (if any open water is to be present); and~~
- ~~i. Appropriate buffers.~~

~~5. A planting plan describing what will be planted, and where and when the planting will occur, as follows:~~

- ~~a. Soils and substrate characteristics;~~
- ~~b. Specify substrate stockpiling techniques; and~~
- ~~c. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements.~~

~~6. A monitoring and maintenance plan consistent with RMC 26.60.031.~~

- ~~a. Specify procedures for monitoring and site maintenance, including control of invasive species; and~~
- ~~b. Submit monitoring reports to the city.~~

~~7. A contingency plan consistent with these regulations.~~

~~8. A detailed budget for implementation of the mitigation plan, including monitoring, maintenance, and contingency phases.~~

~~9. A guarantee, in the form of a bond or other security device in a form and amount acceptable to the city attorney, assuring that the work will be performed as planned and approved, consistent with these regulations and including monitoring, maintenance and contingency.~~

1. A clear statement of the objectives of the mitigation. The goals of the mitigation plan should be stated in terms of the new wetland functions and values compared to the functions and values of the original wetland. Objectives shall include:

a. Qualitative and quantitative standards for success of the project, including hydrologic characteristics (water depths, water quality, hydroperiod/hydrocycle characteristics, flood storage capacity); vegetative characteristics (community types, species composition, density, and spacing); faunal characteristics, and final topographic elevations.

b. An ecological assessment of the wetland values and wetland buffers that will be lost as a result of the activities, and of the replacement wetlands and buffers, including but not limited to the following:

i. Acreage of project;

ii. Existing functions and values;

iii. Sizes of wetlands, wetland buffers, and areas to be altered;

iv. Vegetative characteristics, including community type, areal coverage, species composition, and density;

v. Habitat type(s) to be enhanced, restored, or created; and

vi. Dates for beginning and completion of the mitigation project, and sequence of construction activities.

2. A statement of the location, elevation, and hydrology of the new site, including the following:

a. Relationship of the project to the watershed and existing water bodies;

b. Topography of site using the smallest readily available intervals, preferably one-foot contour intervals but two-foot are acceptable;

c. Water level data, including depth and duration of seasonally high water table;

d. Water flow patterns;

e. Grading, filling and excavation, including a description of imported soils;

f. Irrigation requirements, if any;

g. Water pollution mitigation measures during construction;

h. Areal coverage of planted areas to open water areas (if any open water is to be present); and

i. Appropriate buffers.

3. A planting plan, describing what will be planted, and where and when the planting will occur, as follows:

a. Soils and substrate characteristics;

b. Specify substrate stockpiling techniques; and

c. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements.

4. A monitoring and maintenance plan, consistent with RMC ~~22.10.160~~26.60.031.

a. Specify procedures for monitoring and site maintenance including control of invasive species; and

b. Submit monitoring reports to the administrator.

5. A contingency plan, consistent with these regulations.

6. A detailed budget for implementation of the mitigation plan, including monitoring, maintenance and contingency phases.

7. A guarantee, in the form of a bond or other security device in a form and amount acceptable to the city attorney, assuring that the work will be performed as planned and approved, consistent with these regulations, including monitoring, maintenance and contingency.

26.60.030 ~~Performance~~ Design standards for wetlands mitigation planning.

A. The following performance standards shall be incorporated into mitigation plans submitted to the city of Richland:

1. Plants should be indigenous to the region (not introduced or foreign species);
2. Plants should be adaptable to a broad range of water depths;
3. Plants should be commercially available or available from local sources;
4. Plant species high in food and cover value for fish and wildlife are recommended, when possible;
5. Plants should be mostly perennial species;
6. Avoid committing significant areas of the site to species that have questionable potential for successful establishment;
7. Plant selection must be approved by a wetlands biologist/ecologist;
8. Water depth is not to exceed six and one-half feet (two meters);
9. The grade or slope that water flows through the wetland is not to exceed six percent;

10. Slopes within the wetland basin and the buffer zone should not be steeper than 3:1 (horizontal to vertical);
11. The substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals, or solid/hazardous wastes) inorganic/organic materials;
12. Planting densities and placement of plants should be determined by a qualified professional and shown on the design plans;
13. The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark;
14. Minimum buffer widths should extend from the wetland boundary in accordance with buffer requirements in Table 26.60.024(D), Wetland Buffer Widths, for the proposed category rating of the wetland that will be created;
15. The planting plan must be approved by the ~~community development director-Administrator~~, ~~or designee, or consultant~~ qualified professional acting on behalf of the city;
16. Stockpiling should be confined to upland areas, and contract specifications should limit stockpile durations to less than four weeks; Any area designated as open space shall not be used to stockpile material;
17. Planting instructions which describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
18. Apply controlled release fertilizer, if reasonable and prudent, at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process);
19. Install an irrigation system, if necessary, for initial establishment period; and
20. Construction specifications and methods must be approved by a qualified ~~consultant~~ professional and the ~~city~~ Administrator.

B. On completion of construction, the wetland mitigation project must be signed off by the applicant's qualified ~~consultant~~ professional and the ~~city~~ Administrator. Signature will indicate that the construction has been completed as planned and all design elements have been fully and correctly implemented. If there have been changes in the implementation of the plan, a written explanation from the ~~consulting biologist~~ qualified professional must be included.

26.60.031 Wetland monitoring program and contingency plan.

A. A monitoring program shall be implemented to determine the success of the mitigation project and any necessary corrective actions. This chapter shall determine if the original goals and objectives are being met.

B. A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. A performance and maintenance bond or other acceptable security device is required to assure the applicant's compliance with the terms of the mitigation agreement. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years. The ~~city~~-Administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

~~C. During monitoring, scientific procedures for establishing the success or failure of the project must be used.~~

~~D. For vegetation determinations, permanent sampling points shall be established.~~

~~E. Shrub and tree vegetation success can be defined as 80 percent survival of the original number of plants planted, with the following beginning density of vegetation planted: trees planted on 10-foot centers, with shrubs planted on three- to five-foot centers underneath and between the trees. Percent cover goals that mimic local natural healthy reference wetlands can be established for percent cover goals at year five as an alternative to percent survival goals.~~

~~F. Submit monitoring reports on the current status of the mitigation project to the city. The reports are to be prepared by a qualified consultant and reviewed by the city's consultant and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:~~

- ~~1. At the time of construction;~~
- ~~2. Thirty days after planting;~~
- ~~3. Early in the growing season of the first year;~~
- ~~4. End of the growing season of the first year;~~
- ~~5. Twice the second year; and~~
- ~~6. Annually thereafter.~~

~~G. Monitor for five growing seasons. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.~~

~~H. If necessary, correct for failures in the mitigation project.~~

~~I. Replace dead or undesirable vegetation with appropriate plantings based on the approved planting plan or RMC 26.60.029.~~

~~J. Repair damages caused by erosion, settling, or other geomorphological processes.~~

~~K. Redesign mitigation project (if necessary) and implement the new design.~~

~~L. Correction procedures shall be approved by a qualified consultant and the city.~~

C1. During monitoring, scientific procedures for establishing the success or failure of the project must be used and shall be identified in the monitoring plan;

D2. For vegetation determinations, permanent monitoring transects or plots shall be established that adequately represent the compensatory mitigation site;

E3. Vegetative success in the compensatory mitigation wetland will be defined as:

1a. An average density of at least four plants per 100 square feet in the scrub-shrub and forested communities in year one;

2b. A cover of native wetland trees and shrubs combined (planted and volunteer) of at least 10 percent in year three; 25 percent in year five; 40 percent in year seven; 50 percent in year 10;

3e. A cover of native wetland herbaceous plant species (planted and volunteer) of at least 25 percent in year five; 40 percent in year seven and 50 percent in year 10;

4d. Nonnative invasive species must be controlled per site-specific specifications and shall not exceed the maximum amount as identified in the approved monitoring plan;

5e. Buffer vegetation shall be maintained in the amount as identified in the approved monitoring plan;

F4. Submit monitoring reports on the current status of the mitigation project to the administrator. The reports are to be prepared by a qualified professional and reviewed by the administrator and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced for years one, two, three, four, seven and 10. Monitoring reports shall incorporate hydrology standards to ensure the required wetland habitat and buffer areas are established and functioning and shall detail the minimum number of days during the growing season when soils must remain inundated or saturated to the ground surface;

G5. Monitor for 10 growing seasons. If the mitigation goals are obtained within the initial five-year period, no further monitoring will be required;

H6. If necessary, correct for failures in the mitigation project;

I7. Replace dead or undesirable vegetation with appropriate plantings, based on the approved planting plan or RMC ~~22.10.15026-60.029-B.3~~ 26.60.030;

J8. Repair damages caused by erosion, settling, or other geomorphological processes;

K9. Redesign mitigation project (if necessary) and implement the new design;

~~L10.~~ Correction procedures shall be approved by a qualified professional and the administrator; and

~~M11.~~ The area where the mitigation occurred and any associated buffer shall be located in a critical area tract, a conservation easement or similar legal instrument as approved by the administrator to ensure the future protection of the mitigation site.

26.60.032 Repealed.

~~26.60.032 Unauthorized alterations and enforcement.~~

~~A. When a wetland or its buffer has been altered in violation of this chapter, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a “stop work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of provisions of this chapter.~~

~~B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared by the owner or responsible party and approved by city. Such a plan shall be prepared by a qualified professional using the currently accepted scientific principles, and shall describe how the actions proposed meet the minimum requirements described in subsection (C) of this section. The administrator shall, at the violator’s expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.~~

~~C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a wetland; provided, that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:~~

~~1. The historic structure, functions, and values of the affected wetland shall be restored, including water quality and habitat functions.~~

~~2. The historic soil types and configuration shall be restored to the extent practicable.~~

~~3. The wetland and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.~~

~~4. Information demonstrating compliance with other applicable provisions of this chapter shall be submitted to the administrator.~~

~~D. Site Investigations. The administrator is authorized to make site inspections and take such actions as necessary to enforce this chapter. The administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.~~

~~E. Penalties. See RMC 26.60.084(B).~~

~~F. If the wetland affected cannot be restored, money from any associated penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected wetland is located. The city may coordinate its preservation or restoration activities with others to optimize the effectiveness of the restoration action.~~

Article III. Fish and Wildlife Habitat Conservation Areas

26.60.040 ~~Exemption~~ Exceptions from fish and wildlife habitat conservation regulations.

A. See RMC ~~22.10.360~~ 26.60.080 for general ~~exemptions~~ exceptions to all critical areas.

~~A.B.~~ The following activities shall not be ~~exempt from~~ subject to the provisions of this chapter related to fish and wildlife habitat, provided they are conducted using best management practices:

1. Activities involving artificially created habitat, including, but not limited to, grass-lined swales, irrigation and drainage ditches, and detention facilities such as reservoirs, ponds, and landscape features, except for habitat conservation areas created as mitigation.

~~B.C.~~ Notwithstanding the ~~exemption~~ exceptions provided by this section, any otherwise ~~exempt~~ excepted activities occurring in or near critical habitat conservation areas shall comply with the intent of these standards and shall consider on-site alternatives that avoid or minimize potential habitat impacts and shall consider the timing of excepted work to minimize disturbances to wildlife including disturbance to migratory bird nesting sites.

26.60.041 ~~Fish and wildlife habitat inventory maps.~~

~~The approximate location and extent of habitat areas within the city of Richland's planning area are shown on the maps adopted as part of this program, as provided in the city's SMP inventory, analysis and characterization report. These maps shall be used as a general guide only for the assistance of property owners and other interested parties as boundaries are generalized. The actual type, extent, and boundaries of habitat areas shall be determined by a qualified professional according to the procedures, definitions, and criteria established by this program. In the event of any conflict between the habitat location or type shown on the city of Richland's maps and the criteria or standards of this program, the criteria and standards resulting from the field investigation shall control.~~

22.60.041 Fish and wildlife habitat conservation areas.

A. Fish and wildlife habitat conservation areas include the following:

1. Areas where state or federal designated endangered, threatened, and critical species have a primary association.

a. Federal designated endangered and threatened species are those fish, wildlife and plant species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status.

b. State designated endangered, threatened and critical species are those fish, wildlife and plant species native to the state of Washington identified by the State Department of Fish and Wildlife and/or State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. The state of Washington's Department of Fish and Wildlife and/or Natural Heritage Program maintains the most current listings and should be consulted as necessary for current state listing status.

2. State priority habitats and areas associated with state priority species.

a. State of Washington priority habitats and species are considered priorities for conservation and management. The state of Washington's Department of Fish and Wildlife should be consulted for current listing of priority habitats and species.

3. Habitats and species of local importance. The city of Richland hereby adopts by reference those priority habitats and species considered priorities for conservation and management identified by the State Department of Fish and Wildlife and State of Washington Natural Heritage Program as now exist or as may be amended.

4. In addition to the priority habitats and species recognized by WDFW and/or State of Washington Natural Heritage Program, a process is provided for listing other habitats and species that are important locally to the people of Richland. This action may be initiated at the request of the Washington State Department of Fish and Wildlife, other government agency, city staff, nonprofit organization or interested citizen. Any such request shall be in writing and shall include:

a. The common and scientific name for a species under consideration;

b. Habitat location on a map (scale 1:24,000);

c. Demonstrate a need for special consideration based upon best available science and considering:

i. Declining or increasing population;

ii. Sensitivity to habitat manipulation; or

iii. Commercial or game value or other special value, such as public appeal;

d. Habitat management recommendations, including potential uses and restrictions of the habitat conservation areas, seasonally critical areas and other guidelines necessary for the protection of the species;

e. Reasons for the species/habitat to be designated;

f. Name and address of the nominator, along with a list of property owners and mailing addresses for each property mapped as containing habitat and/or species;

g. Other supporting documentation (as determined by the administrator);

h. SEPA checklist;

i. Fee as established by the city of Richland fee schedule.

Submitted proposals shall be reviewed by city staff as a Type IV legislative action pursuant to RMC 19.20.010(D)(2) and Chapter 19.90 RMC. Suggested amendments to this section of the critical areas regulations shall result in amendment no more often than once each calendar year with the deadline for submittal being January 31st. Copies of the proposal shall be submitted to WDFW and/or other local, state or federal agencies or experts for comments and recommendations regarding accuracy of the data and effectiveness of proposed management strategies as part of the public comment period. Approved nominations will be designated priority habitats/species as appropriate and will be given all protection under this chapter afforded other priority habitats and species;

5. The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151;

6. The Yakima River Delta area, including Lake Wallula wildlife habitat conservation areas currently managed by the U.S. Army Corps of Engineers, the Chamna Natural Preserve, Bateman Island;

7. The Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;

8. Amon Creek Natural Preserve;

9. Badger Mountain Natural Preserve;

10. Category I wetlands as defined in RMC ~~22.10.100~~26.60.023;

11. State nature area preserves or natural resource conservation areas and state wildlife areas;

12. Documented habitat, other than accidental presence, of threatened or endangered species;

13. Documented habitat, other than accidental presence, of regional or national significance for migrating birds;

14. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

15. Waters of the state;

16. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.

B. Fish and wildlife habitat conservation areas are intended to:

1. Create a system of fish and wildlife habitat with connections between larger habitat blocks and open spaces, integrating with open space corridor planning where appropriate;

2. Limit the level of human activity within such areas that is appropriate for certain areas and habitats, including presence of roads and level of recreation type (passive or active recreation);

3. Protect riparian ecosystems including potential for restoring lost or impaired salmonid habitat;

4. Evaluate land uses that may negatively impact these areas, or conversely, that may contribute positively to their function;

5. Establish buffer zones around these areas to separate incompatible uses from habitat conservation areas;

6. Establish or enhance nonregulatory approaches in addition to regulatory methods to protect fish and wildlife habitat conservation areas.

26.60.042. Fish and wildlife habitat ~~conservation~~ ~~buffer~~ areas ~~s~~ buffers.

A. The establishment of buffer areas shall be required for regulated activities in or adjacent to fish and wildlife habitat conservation areas including riparian areas and habitat areas located upland and within the shoreline jurisdiction. ~~Buffer~~ Buffers shall consist of an undisturbed area of native vegetation established to protect the integrity, functions, and values of the affected habitat. Enhancement of buffers may be required if a portion of the buffer has been cleared, or if tree cover is substantially less than a native climax community.

B. The following riparian buffer widths are established:

Table 26.60.042. Riparian Buffer Width

Regulatory Reach (See Environment Designation with Regulatory Reaches Map)	Riparian Buffer Width (Feet)^{1, 2}
A, C, I, T	50
B, U and all other natural environment designation areas within various regulatory reaches except Reach Q	Entire shoreline jurisdiction
D, N, O, P	75 except where roadway, canal, paved trail or parking area encroaches, and then waterward edge of facility maintenance area, as applicable
E, F	100

Regulatory Reach (See Environment Designation with Regulatory Reaches Map)	Riparian Buffer Width (Feet) ^{1, 2}
G, I	75 except where roadway, canal, levee, paved trail or parking area encroaches, and then waterward edge of facility maintenance area, as applicable
H, J, K	100 except where roadway, canal, levee, paved trail or parking area encroaches, and then waterward edge of facility maintenance area, as applicable
L, Q, S	Waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
M	50 or waterward edge of existing levee, paved trail and/or parking maintenance area, as applicable
R	From the OHWM to the federal/private property boundary line ³

- (1) Measured from the OHWM or top of bank, as applicable.
- (2) Accompanied by other ~~sensitive~~critical area protections and stormwater management measures, as applicable.
- (3) Administrative buffer adjustments do not apply. Buffer can be widened, if applicable, or other protection provisions related to geologic hazards can be applied.

C. Buffers required for fish and wildlife habitat protection when upland of riparian areas~~Buffers~~ shall also be measured, on a horizontal plane, from the OHWM as delineated by a qualified consultant. Required buffer widths for non-riparian habitat areas shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby. These buffers shall be determined by the city based on information in the ~~wildlife report~~fish and wildlife habitat conservation report supplemented by its own investigations, the sensitivity and value of the habitat areas, the intensity and design of the proposed use, and adjacent uses and activities.

D. Administrative ~~Buffer~~Adjustments of Fish and Wildlife Habitat Conservation Area Buffers

1. The required fish and wildlife habitat conservation area buffer widths, including the riparian buffer widths established in this chapter of the shoreline master program may be modified by the administrator for a development on existing legal lots of record in place at the time of adoption of this program in accordance with the provisions of this section, only where the applicant demonstrates all of the following:

- a. Averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property, and no feasible alternative exists;
- b. The designated buffer area contains variations in sensitivity to ecological impacts due to existing physical characteristics, or the character of the buffer

varies in slope, soils, or vegetation and the buffer is increased adjacent to the higher functioning area of habitat;

c. The total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging;

d. The minimum buffer width at its narrowest point shall not be less than 75 percent of the buffer width established under this program; and

e. The buffer width averaging does not result in a net loss of ecological function.

2. Standard Buffer Reduction. Reductions of up to 25 percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the administrator that a mitigation plan developed by a qualified professional indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, or installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.

3. In-Fill Development. In an effort to facilitate in-fill development in approved plats, the city may approve requests to reduce the standard ~~shoreline~~ fish and wildlife habitat conservation area buffers up to a maximum of 50 percent for a new single-family residence and appurtenant structures in accordance with the following criteria:

a. Where there are single-family residences within 150 feet on either side of the proposed residence in an existing plat, the buffer shall be determined as the greater of one of the following three options: (i) a common line drawn between the nearest corners of the nearest residence; (ii) a common line calculated by the average of the nearest residence's existing buffer; or (iii) a 50 percent reduction of the standard buffer.

b. Where there is only a residence located within 150 feet on one side of the proposed residence in an existing plat, the standard buffer shall be determined as: (i) the greater of a common line drawn between the nearest corner of the nearest residence and the nearest point of the standard buffer on the adjacent vacant lot; (ii) a common line calculated by the average of the nearest residence's setback and the standard buffer for the adjacent vacant lot; or (iii) a 50 percent reduction of the standard buffer.

E. The buffer width stated in subsection (B) of this section shall be increased when the ~~qualified consultant~~ administrator determines, based upon a site-specific habitat analysis by a qualified professional, that impacts on the habitat from a proposed development can only be mitigated by a greater buffer width. The standard ~~habitat~~ riparian buffer width shall be increased:

1. When the adjacent land is susceptible to severe erosion, and erosion control measures will not effectively prevent adverse habitat impacts; or

2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or

3. When the ~~wetland~~[area](#) provides habitat for a species that is particularly sensitive to disturbance (listed by the federal government or the state as endangered, threatened, candidate, monitored or documented priority species or habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees), the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs; or

4. When the minimum buffer for a habitat extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of:

a. The minimum buffer for that particular habitat; or

b. Twenty-five feet beyond the point where the slope becomes 25 percent or less.

F. Low impact [land](#) uses and activities which are consistent with the purpose and function of the ~~habitat~~ buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat involved. Examples of uses and activities which may be permitted in appropriate cases include [pervious](#) pedestrian trails, viewing platforms, stormwater management facilities such as grass-lined swales and utility easements.

26.60.043 Fish and wildlife habitat conservation area inventory maps.

To determine the location and extent of fish and wildlife habitat conservation areas, the city shall use best available science, including current information contained in priority habitats and species maps as maintained by the Washington State Department of Fish and Wildlife. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of habitat conservation areas shall be determined by a qualified professional according to the procedures, definitions, and criteria established by this article. In the event of any conflict between the habitat location or type shown on maps and the criteria or standards of this article, the criteria and standards resulting from the field investigation shall control.

Recovery plans and management recommendations for many of these species are available from the United States Fish and Wildlife Service, the National Marine Fisheries Service and the Washington State Department of Fish and Wildlife. Additional information is also available from the Washington State Department of Natural Resources, Natural Heritage Program, and Aquatic Resources Program.

It is also possible that unmapped areas may include priority habitats or species (PHS), endangered, threatened or critical (ETS) species, or habitats and species of local importance (HSLI). If such a species is known to exist within an unmapped area, the type, extent and boundaries of this area shall be determined by a qualified professional.

26.60.044 Requirements for habitat conservation area reports.

When development is proposed within a fish and wildlife habitat conservation area or its buffer, or where development is proposed to be located adjacent to a fish and wildlife habitat conservation area or its buffer or close enough to the FWHCA so as to likely impact critical area ecosystem functions and values, a habitat conservation report shall be prepared consisting of the following:

A. The report shall be prepared by a qualified professional using the best available science;

B. The area addressed in any report for a fish and wildlife habitat conservation area shall include the project area and adjacent lands within 300 feet of the project boundaries to account for potential buffers that may not be accurately mapped at the time of application. Further the report shall identify all habitat conservation areas, shorelines, floodplains, other critical areas and related buffers;

C. A habitat conservation report shall include an assessment to evaluate the presence or absence of priority habitat. At a minimum the habitat assessment shall include:

1. Detailed description of vegetation on and adjacent to the project area, including the existence or nonexistence of plant species native to the state of Washington identified by the State of Washington Natural Heritage Program that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats;

2. Identification of any priority species and habitats (PHS) or any endangered, threatened, critical, ~~or~~ candidate, or monitored species and any habitat or species of local concern that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the protected habitat or use of the site by the species;

3. A discussion of any federal, state or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;

4. A discussion of measures, including avoidance, minimization and mitigation proposed to preserve existing habitats or restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with RMC ~~22.10.220~~26.60.020 (mitigation sequencing);

5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs;

6. When warranted, the administrator may require detailed surface and subsurface hydrologic features both on and adjacent to the site;

D. Habitat conservation area reports shall be forwarded to the Washington Department of Fish and Wildlife and local Native American Indian tribes to provide them with an opportunity to comment on the adequacy and accuracy of the report;

E. The administrator may waive the requirement for the preparation of a habitat conservation area report upon a determination that by reason of previous development that the proposed project site does not provide functional habitat. Such waiver shall be made in writing and a copy shall be provided to the Washington State Department of Fish and Wildlife.

~~26.60.044 Fish and wildlife habitat performance standards and incentives.~~

~~A. The performance standards and criteria contained in this section shall be incorporated into plans submitted for regulated activities and shall:~~

- ~~1. Consider habitat in site planning and design;~~
- ~~2. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;~~
- ~~3. Integrate retained habitat into open space and landscaping, consistent with the provisions of all open space and landscaping requirements;~~
- ~~4. Consolidate habitat and vegetated open space in contiguous blocks where feasible;~~
- ~~5. Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;~~
- ~~6. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;~~
- ~~7. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;~~
- ~~8. Remove and/or control any noxious or undesirable species of plants and animals;~~
- ~~9. Preserve significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;~~
- ~~10. Buffers shall be preserved and shall be surveyed, staked, and fenced before any constructed work, including grading and clearing, may take place on the site; and~~
- ~~11. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction.~~

~~B. A vegetation management plan shall be submitted consistent with the requirements, goals, and standards of this program. The plan shall reflect the report prepared pursuant to RMC 26.20.040. Any required mitigation, including supplemental buffer plantings, shall be guaranteed by a bond or other acceptable security device to assure~~

~~successful establishment, including an appropriate monitoring period. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years. The city may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.~~

~~C. As an incentive to encourage preservation of secondary habitat as defined in this program, the net amount of landscaping required by the city of Richland may be reduced by one-quarter acre for each one acre of secondary habitat and buffer preserved on the site; however, that amount cannot exceed 50 percent of the amount of required landscaping. The reduction shall be calculated on the basis of square feet of habitat preserved or enhanced and square feet required. Habitat and habitat buffer that is enhanced by the applicant may also qualify for this reduction. Preservation of secondary habitat shall be by execution of an easement or other protective device acceptable to the city of Richland.~~

26.60.045 Fish and wildlife habitat conservation area – Performance standards.

Development or any regulated activity occurring within a designated habitat conservation area or within its respective protection buffer, or development or any regulated activity proposed to occur adjacent to, or close enough to, a habitat conservation area so as to likely impact critical area ecosystem functions and values, shall only be permitted in accordance with the conditions of an approved habitat conservation area report. Such report shall be based on the following standards using the best available science:

A. Consider habitat in site planning and design;

B. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat conservation areas, including use of bird-friendly building design and use of dark sky lighting standards;

C. Integrate retained habitat into open space and native plantings, consistent with the provisions of all open space and landscaping requirements;

D. Activity within or close to a habitat conservation area shall not result in the degradation of the functions and values of the habitat;

E. Nonindigenous species shall not be introduced into a habitat conservation area;

F. Contiguous corridors through a project area shall be maintained. Measures necessary to mitigate impacts within a habitat conservation area shall attempt to achieve contiguous functioning habitat corridors in order to minimize the isolating effects of development on habitat;

G. Identify habitat contiguous to other habitat conservation areas, open space or landscape areas to contribute to a continuous system or corridor that provides connections to adjacent habitat conservation areas and allows movement of wildlife;

H. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat conservation areas;

I. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;

J. Width of riparian corridors shall be in accordance with ~~buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110~~26.60.042;

K. Activities within a habitat conservation area shall be conditioned as identified in the habitat conservation area report to avoid, minimize, or mitigate potential adverse impacts. Conditions shall include protective buffers based on the State of Washington Department of Fish and Wildlife management recommendations for Washington's priority species modified for local conditions and the recommendations of the Department of Fish and Wildlife biologists and may include, but are not limited to, the following measures:

1. Establishment of undisturbed habitat conservation areas;
2. Staking of undisturbed habitat conservation areas prior to any construction, including clearing, grading and filling taking place on ~~or adjacent to the site~~;
3. Fencing of undisturbed habitat conservation areas in a manner consistent with the provisions of RMC ~~22.10.115~~(H26.60.025 (H));
4. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction;
5. Preservation of critically important vegetation;
6. Supplemental planting of native tree ~~and~~ shrub cover;
7. Removal and/or control of any noxious or undesirable species of plants and animals;
8. Preservation of significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;
9. Replanting of disturbed areas and/or areas where noxious weed species were removed with native vegetation types, including ongoing plans for weed control and irrigation as appropriate;
10. Limitation of access to an identified habitat area, including fencing to deter unauthorized access;
11. Seasonal restriction on construction activities;
12. Implementation of a schedule for periodic review of completed mitigation measures for a specified time period;
13. Posting of a bond or other financial surety to ensure completion and success of proposed mitigation measures. Such bond or other security device shall be required to assure successful establishment of required planting for an appropriate monitoring period. The amount of the bond or other security device shall equal 125

percent of the cost of the mitigation project for a period of five years. The administrator may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.

~~26.60.045 Fish and wildlife habitat conservation area alteration.~~

~~In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in this section (RMC 22.10.21026.60.044).~~

26.60.0436 Fish and wildlife habitat conservation area alteration.

A. Adverse impacts to habitat functions and values shall be mitigated to the extent feasible and reasonable. Mitigation actions by an applicant or property owner shall occur in accordance with RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence. ~~the following preferred sequence:~~

B. Where impacts cannot be avoided, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this section. ~~Mitigation shall meet the criteria of RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence. In an individual case, these actions may include consideration of alternative site plans and layouts, or reductions in the density or scope of the proposal. In an individual case,~~ these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in RMC 22.10.21026.60.040.

~~C. Alteration of habitat and/or their buffers may be permitted by the city subject to the following standards:~~

~~1. Critical Habitat. Alterations of critical habitat shall be avoided, subject to the reasonable use provisions of this shoreline program.~~

~~2. Secondary Habitat. Alterations of secondary habitat may be permitted; provided, that the applicant mitigates adverse impacts consistent with the performance standards and other requirements of this shoreline program~~

~~26.60.044 Fish and wildlife habitat performance standards and incentives.~~

~~A. The performance standards and criteria contained in this section shall be incorporated into plans submitted for regulated activities and shall:~~

~~1. Consider habitat in site planning and design;~~

~~2. Locate buildings and structures in a manner that preserves and minimizes adverse impacts to important habitat areas;~~

~~3. Integrate retained habitat into open space and landscaping, consistent with the provisions of all open space and landscaping requirements;~~

~~4. Consolidate habitat and vegetated open space in contiguous blocks where feasible;~~

- ~~5. Locate habitat contiguous to other habitat areas, open space or landscaped areas to contribute to a continuous system or corridor that provides connections to adjacent habitat areas and allows movement of wildlife;~~
- ~~6. Use native species in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;~~
- ~~7. Emphasize heterogeneity and structural diversity of vegetation in landscaping and food producing plants beneficial to wildlife;~~
- ~~8. Remove and/or control any noxious or undesirable species of plants and animals;~~
- ~~9. Preserve significant trees and/or snags, preferably in groups, consistent with achieving the objectives of these standards;~~
- ~~10. Buffers shall be preserved and shall be surveyed, staked, and fenced before any constructed work, including grading and clearing, may take place on the site; and~~
- ~~11. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction.~~

~~B. A vegetation management plan shall be submitted consistent with the requirements, goals, and standards of this program. The plan shall reflect the report prepared pursuant to RMC 26.20.040. Any required mitigation, including supplemental buffer plantings, shall be guaranteed by a bond or other acceptable security device to assure successful establishment, including an appropriate monitoring period. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years. The city may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.~~

~~C. As an incentive to encourage preservation of secondary habitat as defined in this program, the net amount of landscaping required by the city of Richland may be reduced by one-quarter acre for each one acre of secondary habitat and buffer preserved on the site; however, that amount cannot exceed 50 percent of the amount of required landscaping. The reduction shall be calculated on the basis of square feet of habitat preserved or enhanced and square feet required. Habitat and habitat buffer that is enhanced by the applicant may also qualify for this reduction. Preservation of secondary habitat shall be by execution of an easement or other protective device acceptable to the city of Richland.~~

Article IV. ~~Geologic Hazard~~Geologically Hazardous Areas

26.60.050 Identification and definition.

A. ~~Geologic hazard areas~~Geologically hazardous areas identification and designation shall be consistent with the minimum guideline classifications established in WAC 365-190-080(4), which include any future amendments to the code. Areas that are susceptible to one or more of the following types of hazards shall be classified as a ~~geologic hazard area~~geologically hazardous area:

1. Erosion hazard;
2. Landslide hazard;
3. Seismic hazard; and
4. Mine hazard.

B. Erosion Hazard Areas. Those areas that are identified by the United States Department of Agriculture Soil Conservation Service as having a severe rill and inter-rill erosion hazard.

C. Landslide Hazard Areas. Those areas that are potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas include, but are not limited to, the following types of areas:

1. Areas delineated by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development;
2. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources;
3. Areas with all three of the following characteristics:
 - a. Areas with slope steeper than 15 percent;
 - b. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - c. Springs or ground water seepage;
4. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of that epoch;
5. Areas with slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
6. Areas with slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
7. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and undercutting by wave action;
8. Areas that show evidence of, or on, an active alluvial fan presently or potentially subject to inundation by debris flows or catastrophic flooding; or

9. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

D. Seismic Hazard Areas. Those areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (1) magnitude of an earthquake; (2) distance from the source of an earthquake; (3) type of thickness of geologic materials at the surface; and (4) type of subsurface geologic structure.

E. Mine Hazard Areas. Those areas underlain by, adjacent to, or affected by mine working areas as designated by the Washington State Department of Natural Resources.

26.60.051 Applicability to geological hazards.

The provisions of this program shall apply to any activity that occurs in or within 200 feet of a ~~geologic hazard area~~geologically hazardous area unless otherwise exempt. These activities include, but are not limited to, the following:

A. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;

B. Dumping, discharging or filling with any material;

C. Driving piling or placing obstructions;

D. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure which has an adverse effect on a ~~geologic hazard area~~geologically hazardous area; destroying or altering vegetation through clearing or harvesting; and any project permit established in Chapter 19.20 RMC.

26.60.052 ~~Geologic hazard~~Geologically hazardous areas inventory maps.

The approximate location and extent of ~~geologic hazard areas~~geologically hazardous areas within the city of Richland's planning area are shown on the ~~Sensitive~~ Critical areas maps adopted as part of this program, as provided in the city's SMP inventory, analysis and characterization report. These maps should be used as a general guide only for the assistance of property owners and the city of Richland to identify and designate ~~geologic hazard~~geologically hazardous areas.

26.60.053 Preliminary assessment.

A. The ~~city of Richland~~administrator shall conduct a preliminary assessment of the proposed activity. The preliminary assessment shall consist of reviewing geologic hazard inventory maps as provided in the city's SMP inventory, analysis and characterization report, conducting an on-site evaluation, and, if necessary, consulting with state and/or federal agencies to determine whether there is reasonable evidence

that a proposed activity is within 200 feet of a ~~geologic hazard area~~geologically hazardous area. In the event there is a disagreement as to whether the activity is within 200 feet of a ~~geologic hazard area~~geologically hazardous area, a geologic report prepared by a qualified ~~consultant~~professional as defined in Chapter 26.80 RMC shall be required, at the property owner or applicant's expense, to determine this issue.

B. If it is determined that there is reasonable evidence that a proposed activity is within 200 feet of a ~~geologic hazard area~~geologically hazardous area, then geologic reports and studies are required at the property owner or applicant's expense.

26.60.054 Geologic reports and studies.

Geologic studies and reports shall comply with the requirements established in RMC 26.60.081(B)(6), Permit process and application requirements.

26.60.055 Administrative evaluation of geologic reports and studies.

The ~~city of Richland~~administrator shall review the geologic reports and studies to determine the significant risks posed by the activity to life and property on and off the project site. The ~~city of Richland~~administrator may approve, conditionally approve, or deny an activity, as appropriate, based on the degree to which significant risks are posed to public and private property and to the health and safety of the community. Conditional approval of the activity may include mitigation measures based on the geologic reports and studies. Where potential impacts of the activity cannot be effectively mitigated, or where the risk to public health, safety, and welfare of the community is significant notwithstanding mitigation, the activity shall be denied.

26.60.056 Assurance.

The ~~city of Richland~~administrator may require assurance from the owner or applicant and/or its geologic consultant that the activity creates a minimal risk of danger to life or property on or off the project site. Such assurance may include the following:

A. A letter from the geologic consultant who prepared the required study and report stating that the activity creates a minimal risk of danger to life or property on or off the project site; or

B. A letter from the owner or applicant stating its understanding and acceptance of any risk of injury or damage associated with the activity and agreeing to notify any future purchasers of the site, portions of the site, or structures located on the site of the geologic hazard.

Article V. Critical Aquifer Recharge Areas Protection

26.60.057 Identification and definition.

Critical aquifer recharge areas (CARAs) are defined as those areas having a critical recharging effect on aquifer use for potable water in community systems. CARAs are classified and designated as follows:

A. Those areas designated as "wellhead protection areas" pursuant to WAC 246-290-135(43) and the ground water contribution area in WAC 246-291-~~100(2)(e)~~125. Wellhead protection areas shall, for the purpose of this regulation, include the identified

recharge areas associated with either Group A ~~public water supply wells and those~~ or Group B public water supplies ~~wells with a wellhead protection plan filed with the city-~~ and/or the Benton-Franklin Health District; and

B. Any land identified in the soil survey of Benton County as having high potential for aquifer recharge, as determined by the administrator.

In order to protect the public health and safety, prevent degradation of ground water and for potentially usable potable water, and to provide for regulations that prevent and control risks to the degradation of ground water quality and quantity, development in CARAs shall be subject to the standards described in this article.

26.60.058 Critical aquifer recharge area maps.

The approximate location and extent of aquifer recharge areas within the city of Richland's shoreline planning area are shown on the Sensitive Critical areas maps adopted as part of this SMP, as provided in the city's SMP inventory, analysis and characterization report. Wellhead protection areas are shown in the state Department of Health's Source Water Assessment Program mapping. These maps should be used as a general guide only for the assistance of property owners and the city of Richland to identify and designate critical aquifer recharge areas.

26.60.059 ~~General exemptions.~~ Exceptions from critical aquifer recharge area regulations.

The following activities shall ~~be exempt from~~ not be subject to the CARA provisions of this ~~article-section~~, provided they are conducted using best management practices for protecting surface and ground water quality:

A. Single-family residential development;

B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance;

C. Group A & Group B public water system source development and associated infrastructure;

D. Public water supply aquifer storage and recovery (ASR) facilities;

E. Public water pipelines and supply storage structures; ~~and;~~

F. The following underground storage tank (UST) systems, including any piping connected thereto:

1. Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;
2. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;

3. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
4. Any UST system whose capacity is 110 gallons or less;
5. Any UST system that contains a de minimis concentration of regulated substances;
6. Any emergency spill or overflow containment UST system that is expeditiously emptied after use;

~~7. Farm or residential UST systems of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);~~

~~8.~~7. UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of 1,100 gallons are subject to the release reporting requirements of WAC 173-360-372;

~~9. On-site domestic septic systems releasing less than 500 gallons of effluent per day and that are limited to a maximum density of one system per one acre;~~

~~10.~~8. Any pipeline facility (including gathering lines) regulated under:

a.i. The Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671 et seq.), or

~~b.~~ii. The Hazardous Liquid Pipeline Safety Act of 1979 (49 USC App. 2001 et seq.);

iii. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in subsection (B)(6)(h) (F)(8)(i) or (ii) of this section;

~~11.~~9. Surface impoundments, pits, ponds, or lagoons;

~~12.~~10. Stormwater or wastewater collection systems;

~~13.~~11. Flow-through process tanks;

~~14. Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or~~

~~15.~~12. Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel), if the storage tank is situated upon or above the surface of the floor.

26.60.060 Reports and studies.

Reports for CARAs shall be submitted to the ~~city~~Administrator by the applicant for a development proposal activity not otherwise ~~exempted~~excepted as provided in RMC ~~26.60.059~~26.60.059 that is proposed on a parcel within an aquifer recharge area. Requirements for a hydrogeologic assessment are found in RMC 26.60.081 ~~Permit process and application requirements.~~

26.60.061 Performance standards.

A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer, and that the proposed activity will not adversely affect the recharging of the aquifer.

B. The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, Washington State Department of Ecology, and the Benton-Franklin Health District.

C. The proposed activity must be designed and constructed in accordance with existing local, state and federal laws and regulations, and the Stormwater Management Manual for Eastern Washington, as amended (Ecology 2004) for those geographic areas covered under the Eastern Washington Phase II Municipal Stormwater Permit (Ecology 2007) or activities covered under the Ecology General Construction Permit (Ecology 2005), and/or the locally adopted program, as applicable.

26.60.062 Uses prohibited in critical aquifer recharge areas.

The following activities and uses are prohibited in CARAs:

A. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, ~~woodwaste~~[wood waste](#), and inert and demolition waste landfills.

B. Underground Injection Wells. Class I, III, and IV wells and [underground injection wells that do not comply with Chapter 173-200 or 173-218 WAC](#)~~subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class-V wells.~~

C. Mining in critical aquifer recharge areas determined to be highly susceptible or vulnerable in a public water system wellhead protection plan, to include:

1. Metals and hard rock mining;
2. Sand and gravel mining.

D. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade).

E. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances.

F. Other Prohibited Uses or Activities.

1. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source; and
2. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

Article VI. Flood Hazard Areas

26.60.070 Identification and definition.

Frequently flooded areas shall be those floodways and associated floodplains designated by the Federal Emergency Management Agency (FEMA) flood hazard classifications as delineated on the most current available Flood Insurance Rate Maps for the city, or as subsequently revised by FEMA, as being within the 100-year floodplain, or those floodways and associated floodplains delineated by a comprehensive flood hazard management plan adopted by the city, as being within the 100-year floodplain or having experienced historic flooding; or channel migration zones (CMZ) identified through mapping provided in the city's SMP inventory, analysis and characterization report. The CMZ is considered to be that area of a stream channel which may erode as a result of normal and naturally occurring processes and has been mapped consistent with WAC 173-26-221(3)(b).

26.60.071 Maps and references.

A. The approximate location and extent of ~~flood hazard areas~~ frequently flooded areas within the city of Richland's planning area are shown on the ~~sensitive~~ critical areas maps adopted as part of this SMP, including, but not limited to, the most current available FEMA Flood Insurance Rate Maps (FIRM) and channel migration zone (CMZ) mapping provided in the city's SMP inventory, analysis and characterization report. These maps should be used as a general guide only for the assistance of property owners and the city of Richland to identify and designate flood hazard areas.

B. Applicants for shoreline development or modification may submit a site-specific CMZ study if they demonstrate these conditions do not exist on the subject property and the map is not accurate. The CMZ study must be prepared consistent with WAC 173-26-221(3)(b), and may include, but is not limited to, historic aerial photographs, topographic mapping, flooding records, and field verification. The CMZ study must be prepared by a licensed geologist or engineer with at least five years of applied experience in assessing fluvial geomorphic processes and channel response.

26.60.072 Protection standards.

A. All development within frequently flooded areas shall comply with Chapter 23.12 RMC, Floodplain Use District, Chapter 22.16 RMC, Flood Damage Prevention, the city's shoreline master program, the International Building Code regarding structural safeguards to reduce risk to human life, health and property from flooding, and other pertinent ordinances and codes.

B. Any use or development shall not alter the normal movement of surface water in a manner that would cause the unnatural diversion of floodwater to otherwise flood-free areas.

~~C. CMZs shall be regulated as uses in Chapter 23.12 RMC, Floodplain Use District, and shall apply only to the Yakima River.~~

Article VII. General Information

26.60.080 General ~~exemptions~~ exceptions.

The following activities shall ~~be exempt from~~ not be subject to the provisions of ~~this chapter the provisions of~~ these critical areas requirements, provided they are conducted using best management practices and impacts are minimized:

A. Existing and ongoing agricultural activities as defined in Chapter 26.80 RMC and subject to the provisions of RMC ~~22.10.080(C)(3)~~ 26.60.021.B.4.

B. Maintenance, operation and reconstruction of existing roads, streets, utilities, and associated structures; provided, that reconstruction of any structures may not increase the impervious area.

C. Normal maintenance, repair and reconstruction of residential or commercial structures; provided, that reconstruction of any structures may not increase the impervious floor area.

D. Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of ~~sensitive~~ critical areas shall be the minimum necessary to carry out the work or studies.

E. Educational activities, scientific research, and outdoor recreational activities that will not have a significant effect on the habitat area, including, but not limited to, interpretive fields, bird watching, fishing and hiking.

F. Public agency emergency activities necessary to prevent an immediate threat to public health, safety or property; provided, that retroactive mitigation is required to restore a site to a pre-emergency response condition to ensure no net loss of ecological functions. Retroactive mitigation must occur within the first growing season following completion of the emergency work.

G. Prior to the effective date of the ordinance codifying this chapter, any of the following activities that have met all conditions of approval in a timely manner and are consistent with the reasonable use provisions of this chapter, to include:

1. Complete applications as defined by the appropriate ordinance;
2. Approved preliminary plats; and
3. Development of legally created lots which have been recorded with Benton County.

H. Minor activities not mentioned above and determined by the community development director to pose minimal risk to the public health, safety, and general welfare.

I. The operation, maintenance, or reconstruction of existing canals, waterways, wasteways, drains, reservoirs or other facilities that lie within the boundaries of and are

maintained by an irrigation district or company; provided, that any new construction or related activity does not encroach into a critical area.

26.60.081 Permit process and application requirements.

A. Preapplication Conference. All applicants are encouraged to meet with the city of Richland's shoreline administrator or his or her representative prior to submitting an application subject to these regulations. The purpose of this meeting shall be to discuss the city of Richland's ~~sensitive~~-critical areas requirements, processes, and procedures; to review any conceptual site plans prepared by the applicant; to discuss appropriate investigative techniques and methodology; to identify potential impacts and mitigation measures; and to familiarize the applicant with state and federal programs, particularly those pertaining to wetlands. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the city of Richland.

B. Application Requirements. The information required by this section should be coordinated with reporting requirements required by this section for any other ~~sensitive~~-critical area located on the site.

1. Prior to the issuance of a SEPA threshold determination for a proposal, all ~~sensitive~~-critical area reports relevant to the site must be submitted to the city of Richland, if requested, for review by staff if such ~~sensitive~~-critical areas are indicated on any portion of the site. The purpose of the reports is to determine the extent and function of ~~sensitive~~-critical areas where regulated activities are proposed. The reports will also be used by the ~~city of Richland~~-administrator to determine the appropriate implementation of ~~sensitive~~-critical area regulations, and the extent to which potential impacts of proposed activities are addressed by existing regulations that provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed activities.
2. In addition, wetland boundaries and other relevant physical features must be staked and flagged in the field by a qualified consultant.
3. The report on any ~~sensitive~~-critical area shall include the following information:
 - a. Vicinity map;
 - b. A map showing:
 - i. Site boundary, property lines and roads;
 - ii. Internal property lines, rights-of-way, easements, etc.;
 - iii. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.;
 - iv. Contours at the smallest readily available intervals, preferably at five-foot intervals; and

v. For large (50 acres or larger) or complex projects with wetlands or ~~habitat areas~~habitat conservation areas, the ~~city of Richland~~administrator may require an aerial photo with overlays displaying the site boundaries and wetland delineation or habitat area(s). Generally, an orthophotograph at a scale of one inch equals 400 feet or greater (such as one inch equals 200 feet) should be used. If an orthophotograph is not available, the center of a small scale (e.g., one inch equals 2,000 feet) aerial enlarged to one inch equals 400 feet may be used;

~~c. The report for any sensitive critical area must describe:~~

- ~~i~~vi. Locational information including legal description and address;
- ~~ii~~vii. All natural and manmade features within 150 feet of the site boundary;
- ~~iii~~viii. General site conditions including topography, acreage, and water bodies or wetlands; and
- ~~iv~~ix. Identification of any areas that have previously been disturbed or degraded by human activity or natural processes.

4. In addition to the general report requirements, a report on wetlands shall include the following information:

- a. Delineated wetland boundary;
- b. The wetland boundary must be accurately drawn at an appropriate engineering scale such that information shown is not cramped or illegible. The drawing shall be prepared by a surveyor. Generally, a scale of one inch equals 40 feet or greater (such as one inch equals 20 feet) should be used. Existing features must be distinguished from proposed features;
- c. Site designated on the wetlands area maps described in RMC 26.60.022;
- d. Hydrologic mapping showing patterns of water movement into, through, and out of the site area;
- e. Location of all test holes and vegetation sample sites, numbered to correspond with flagging in the field and field data sheets;
- f. Field data sheets from the Federal Manual, numbered to correspond with sample site locations as staked and flagged in the field, including a description of:
 - i. Specific descriptions of plant communities, soils, and hydrology;
 - ii. A summary of existing wetland function and value;
 - iii. A summary of proposed wetland and buffer alterations, impacts, and the need for the alterations as proposed. Potential impacts may include, but are not limited to, loss of flood storage potential, loss of wildlife habitat, expected

decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on associated wetland or water resources. If alteration of a Category I, II, III, or IV wetland is proposed, a wetland mitigation plan is required according to the standards of RMC 26.60.028 and 26.60.029; and

g. Describe how mitigation meets the criteria of RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence.

5. In addition to the general report requirements, a report on fish and wildlife habitats shall include [the requirements of RMC ~~26.60.043~~ 26.60.044 together with](#) the following information. The level of detail contained in the report shall generally reflect the size and complexity of the proposal and the function and value of the habitat. The city may require field studies at the applicant's expense in appropriate cases.

a. A map of vegetative cover types, reflecting the general boundaries of different plant communities on the site;

b. A description of the species typically associated with the cover types, including an identification of any critical wildlife species expected to be found;

c. The results of searches of Washington State Department of Natural Resources' natural heritage and Washington State Department of Fish and Wildlife's nongame data system databases, if available;

d. Additional information on species occurrence available from the city of Richland or Benton County;

e. Descriptions of the following:

i. The layers, diversity and variety of habitat found on the site;

ii. Identification of edges between habitat types and any species commonly associated with that habitat;

iii. The location of any migration or movement corridors;

iv. A narrative summary of existing habitat functions and values;

v. A summary of proposed habitat and buffer alterations, impacts, and mitigation. Potential impacts may include, but are not limited to, clearing of vegetation, fragmentation of wildlife habitat, expected decreases in species diversity or quantity, changes in water quality, increases in human intrusion, and impacts on wetlands or water resources; and

f. Describe how mitigation meets the criteria of RMC 26.20.020, Ecological functions, no net loss, including the specified mitigation sequence.

6. In addition to the general report requirements, applicants for activities within 200 feet of ~~geologic hazard areas~~ geologically hazardous areas shall conduct technical studies and reports which include the following:

- a. Review site history and available information;
- b. Conduct a surface reconnaissance of the site and adjacent areas;
- c. Conduct subsurface exploration suitable to the site and proposal to assess geotechnical geohydrologic conditions;
- d. Conduct a detailed stability analysis of the existing landslide that demonstrates that the proposal will result in a suitable factor of safety during and following site development;
- e. Characterize soils, geology and drainage;
- f. Characterize ground water conditions, including the presence of any public or private wells in the immediate vicinity;
- g. Analyze proposed clearing, grading and construction activities, including construction scheduling; potential direct and indirect, on-site and off-site, impacts from development; and proposed mitigation measures, including any special construction techniques, monitoring or inspection programs (during and after construction), and surface water management controls;
- h. Evaluate the presence of geologic conditions giving rise to geologic hazards;
- i. Evaluate the safety and appropriateness of the proposed activities;
- j. Recommend appropriate construction practices, monitoring programs and other mitigating measures required to ensure achievement of the purpose and intent of these regulations. The format of any required reports shall be determined by the city of Richland;
- k. Recommend surface water management controls during construction and operation;
- l. Propose construction scheduling; and
- m. Recommend site monitoring and inspection during construction.

7. In addition to the general report requirements, a report for critical aquifer recharge areas must include the following information:

- a. Available information regarding geologic and hydrogeologic characteristics of the site, including the surface location of all CARAs located on site or immediately adjacent to the site, and permeability of the unsaturated zone;
- b. Ground water depth, flow direction, and gradient based on available information;

- c. Currently available data on wells and springs within 1,000 feet of the project area;
- d. Location of other ~~sensitive~~-critical areas, including surface waters, within 1,000 feet of the project area;
- e. Available historic water quality data for the area to be affected by the proposed activity;
- f. Evaluation of the potential impact of the proposed development on ground water quality, both short and long term, based on an assessment of the cumulative impacts of the proposal in combination with existing and potential future land use activities; and
- g. A proposed mitigation plan, as applicable. Applicants must demonstrate how they will integrate necessary and appropriate best management practices to prevent degradation of ground water.

8. In addition to the general report requirements, a report on floodplain development shall include the information required by RMC 22.16.040, Administration.

C. Permit Process. This section is not intended to create a separate permit process for development proposals. To the extent possible, the ~~city of Richland~~-~~administrator~~ shall consolidate and integrate the review and processing of ~~sensitive~~-critical area-related aspects of proposals with other land use and environmental considerations and approvals.

D. The administrator has the authority to seek expert advice in determining the adequacy of the submitted report, at the applicant's expense.

26.60.082 Requirements of qualified ~~consultants~~professional.

All reports or studies are to be performed by a licensed or qualified professional, ~~licensed or qualified as a consultant~~, in the ~~sensitive~~-critical area at issue. The ~~city of Richland~~-~~administrator~~ shall determine whether a person is a qualified ~~consultant~~-professional based on the criteria established in Chapter 26.80 RMC.

26.60.083 Land divisions.

All proposed divisions of land which include regulated ~~sensitive~~-critical areas shall comply with the following procedure and development standard:

A. New lots shall contain at least one building site, including access that is suitable for development and is not within a portion of the regulated ~~sensitive~~-critical area or its associated buffer or setback in which a restriction or prohibition on alteration is provided by this program.

26.60.084 General procedural provisions.

A. Interpretations and Conflicts. Appeal to the hearing examiner concerning interpretation or administration of this title may be taken by any person aggrieved ~~Any-~~

~~question regarding interpretation of these regulations shall be resolved~~ pursuant to the procedures set forth in RMC 23.70.070.

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

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

C. Appeals from permit decisions shall be governed by the procedures set forth in Chapter 19.70 RMC.

26.60.085 Unauthorized alterations and enforcement.

A. When a ~~wetland~~critical area or its buffer has been altered in violation of this chapter, all ongoing development work shall ~~stop~~stop, and the critical area shall be restored. The city shall have the authority to issue a “stop-work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violation of provisions of this chapter.

B. Requirement for Restoration Plan. All development work shall remain stopped until a restoration plan is prepared by the owner or responsible party and approved by city. Such a plan shall be prepared by a qualified professional using the currently accepted scientific ~~principles, and~~principles and shall describe how the actions proposed meet the minimum requirements described in subsection (C) of this section. The administrator shall, at the violator’s expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

C. Minimum Performance Standards for Restoration. The following minimum performance standards shall be met for the restoration of a ~~wetland~~critical area; provided, that if the violator can demonstrate that greater functions and habitat values can be obtained, these standards may be modified:

1. The historic structure, functions, and values of the affected ~~wetland~~critical area shall be restored, including water quality and habitat functions.

2. The historic soil types and configuration shall be restored to the extent practicable.

3. The ~~wetland~~critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities. The historic functions and values should be replicated at the location of the alteration.

4. Information demonstrating compliance with other applicable provisions of this chapter shall be submitted to the administrator.

D. Site Investigations. The administrator is authorized to make site inspections and take such actions as necessary to enforce this chapter. The administrator shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.

E. Penalties. See RMC 26.60.084(B).

F. If the ~~wetland~~critical area affected cannot be restored, money from any associated penalties shall be deposited in a dedicated account for the preservation or restoration of landscape processes and functions in the watershed in which the affected ~~wetland~~critical area is located. The city may coordinate its preservation or restoration activities with others to optimize the effectiveness of the restoration action.

G. Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

26.60.086 Notice on title.

A. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property that contains one or more critical areas or buffers for which a development proposal has been approved shall record a notice with the county auditor's office according to the direction of the city. The notice shall state the presence of the critical area(s) or buffer(s) on the property, the application of this chapter to the property, and a listing of the limitations on actions in or affecting the critical area or buffer that may exist. The notice shall note specific requirements that may include but not be limited to the preservation of existing native vegetation; restrictions on access; the prohibition on construction of buildings or other improvements; the prohibition on grading, filling or clearing activities or other requirements as identified in this chapter. The notice shall "run with the land."

B. The notice on title shall not be required for a development proposal by a public agency or public or private utility:

1. Within a recorded easement or right-of-way;
2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
3. On the site of a permanent public facility.

C. The applicant shall submit proof that the notice has been recorded before the city grants any final development approval for the property. In the case of subdivisions, short subdivisions or binding site plans, a note on the recorded plat shall satisfy the requirement for a notice on title.

Chapter 26.70
NO SPECIAL DUTY CREATED

Sections:

26.70.010 No special duty created.

26.70.010 No special duty created.

It is the purpose of this title to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title. No provision or term used in this title is intended to impose any duty whatsoever upon the city or any of its officers, agents, or employees for whom the implementation or enforcement of this title shall be discretionary and not mandatory.

Nothing contained in this title is intended to be, nor shall be construed to create or form, the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this title, or by reason or consequence of any inspection, notice, or order made or given in connection with the implementation or enforcement of this title, or by reason of any action of the city related in any manner to enforcement of this title by its officers, agents or employees.

Chapter 26.71 SEVERABILITY

Sections:

26.71.010 Severability.

26.71.010 Severability.

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

Chapter 26.80 DEFINITIONS

Sections:

26.80.010 Definitions.

26.80.010 Definitions.

~~“Agriculture” or “agricultural activities” means agricultural uses and practices including, but not limited to, producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow (plowed and tilled, but left unseeded); allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; provided, that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.~~

~~Agricultural equipment and agricultural facilities include, but are not limited to:~~

~~A. The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including, but not limited to, pumps, pipes, tapes, canals, ditches, and drains;~~

~~B. Corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands;~~

~~C. Farm residences and associated equipment, lands, and facilities; and~~

~~D. Roadside stands and on-farm markets for marketing fruit or vegetables.~~

“Adjacent” shall mean any activity located:

A. On a site immediately adjoining a critical area;

B. A distance equal to or less than the required critical area buffer width and building setback, or, where the buffer width has yet to be determined, a distance equal to a buffer and setback that would typically be required for the present habitat or species;

C. A distance equal to or less than 250 feet* from a stream, wetland, channel migration zone or water body;

D. Within the floodway or floodplain; or

E. A distance equal to or less than 200 feet** from a critical aquifer recharge area.

“Administrator” means such person as the city manager of the city of Richland shall designate to administer and enforce the provisions of this title.

“Agricultural activities” means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

“Agricultural activities, existing and ongoing” include those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities that bring a previously nonagricultural area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program.

“Agricultural products” includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

“Agricultural equipment” and “agricultural facilities” includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and

“Agricultural land” means those specific land areas on which agriculture activities are conducted.

“Alteration” means a human action which results in a physical change to the existing condition of land or improvements including but not limited to: clearing vegetation, filling and grading and construction of structures or facilities including impervious surfaces.

“Applicant” means the person, party, firm, partnership, corporation, or other entity that ~~applies for any permit or approval pursuant to this title, and may include applicants for other approvals pursuant to other provisions of the Richland Municipal Code.~~ proposes any activity that could affect a critical area.

“Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does not include the harvest of wild geoduck associated with the state-managed wildstock geoduck fishery.

~~“Artificially created wetland” means wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.~~

“Associated jurisdictional wetlands” are those wetlands that are in proximity to and either influence or are influenced by shoreline areas subject to the Shoreline Management Act.

“Average grade level” means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

“Best available science” means current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 365-195-925.

“Best management practices (BMPs)” ~~should not exclude new agricultural and land management activities, especially in sensitive areas and their buffers, and should also encourage ongoing agricultural activities to minimize their effects on water quality, riparian ecology, salmonid populations, and downstream resources.~~ BMPs are current and evolving conservation practices, or systems of practices, management or operational measures, or design and construction techniques; or normal and accepted industry standards that are applied to land use activity in a manner which:

- A. Controls soil loss and reduces surface water and ground water quality degradation caused by nutrients, wastes, toxics, and sediment;
- B. Minimizes where possible and mitigates where necessary adverse impacts to the natural chemical, physical and biological environment of the city;
- C. Utilizes the city’s natural resources on a long-term, sustainable yield basis;

D. Protects trees, vegetation, and soils designated to be retained during and following site construction, and uses native plant species appropriate to the site for revegetation of disturbed areas; and

E. Prevents contamination of surface and ground water resources, and protects from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.

“Bioengineering” means the use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

“Boating facility” for the purposes of this program means any public or private facility for mooring, storing, or transfer of materials from vessels on the water, such as docks and piers, including on-land related facilities such as approaches and ramps, and includes any private and publicly accessible launch sites or facilities. A boating facility does not include on-land accessory facilities such as parking or storage.

“Buffer” means an area adjacent to a ~~sensitive~~-critical area that functions to avoid loss or diminution of the ecologic functions and values of the ~~sensitive~~-critical area. Specifically, a buffer may:

A. Preserve the ecologic functions and values of a system, including, but not limited to, providing microclimate conditions, shading, input of organic material, and sediments; room for variation and changes in natural wetland, river, or stream characteristics; providing for habitat for life cycle stages of species normally associated with the resource;

B. Physically isolate a ~~sensitive~~ critical area such as a wetland, river, or stream from potential disturbance and harmful intrusion from surrounding uses using distance, height, visual, and/or sound barriers, and generally including dense native vegetation, but also may include human-made features such as wildlife-friendly fences and other barriers;

C. Act to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters such as from landslide or flooding.

“Building” means a roofed and walled structure built for permanent or temporary use.

“Building height in Shoreline Management Act jurisdiction” only means the vertical distance between average grade and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the highest point of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of that segment of the building with all roof elements at a different elevation than adjacent steps or terraces; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines. Temporary construction equipment is excluded in this calculation.

“Bulkhead” means a structure of timber, concrete, steel, rock, or similar substance located parallel to the shore, which has as its primary purpose to contain and prevent the loss of soil by erosion, wave, or current action.

“Channel migration zone” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For the purpose of this program, the channel migration zone excludes areas separated from the active river channel by legally existing artificial structures that are likely to restrain channel migration, including, but not limited to, flood control facilities, transportation facilities, and structures built above or constructed to remain intact through the 100-year flood.

“Clearing” means the removal of trees, brush, grass, ground cover, or other vegetative matter from a site which exposes the earth’s surface of the site.

“Compensatory mitigation” means the restoration, creation, enhancement or, in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

“Creation” (of wetland) means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. ~~Establishment~~ Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species (Gwin et al. 1999).

“Critical aquifer recharge areas” are areas with a critical recharging effect on aquifers needed for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water.

“Critical areas” are areas defined in RCW 36.70A.030(5) including any of the following areas or ecosystems: wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas.

~~“Critical habitat” or “critical wildlife habitat” means habitat conservation areas associated with threatened, endangered, sensitive critical, or priority species of plants or wildlife which, if altered, could reduce the likelihood that the species will maintain and reproduce over the long term. Such areas are documented with reference to lists, categories and definitions of species promulgated by the Washington Department of Wildlife (Non-Game Data System Special Animal Species) as identified in WAC 232-12-011 or 232-12-014 and in the priority habitat species lists compiled in compliance with WAC 365-190-080, or by rules and regulations adopted currently or hereafter by the U.S. Fish and Wildlife Service.~~

~~“Critical habitat” also includes the following types of areas:~~

~~A. Regionally rare native fish and wildlife habitat (i.e., one of five or fewer examples of the habitat within the Mid-Columbia region).~~

~~B. Fish and wildlife areas with irreplaceable ecological functions, including, but not necessarily limited to, the following:~~

- ~~1. The areas listed as a national wildlife refuge, national park, natural area preserve or any preserve or reserve designated under WAC 332-30-151;~~
- ~~2. The Lake Wallula wildlife habitat conservation areas managed by the U.S. Army Corps of Engineers, including the Yakima River Wildlife Management Area and the Hanford Islands in the Columbia River managed by the U.S. Fish and Wildlife Service;~~
- ~~3. Category I wetlands as defined in RMC 26.60.023;~~
- ~~4. State nature area preserves or natural resource conservation areas identified by state law and managed by the Department of Natural Resources;~~
- ~~5. Documented habitat, other than accidental presence, of threatened or endangered species;~~
- ~~6. Documented habitat, other than accidental presence, of regional or national significance for migrating birds.~~

“Cumulative impacts” are the results of incremental actions when added to past, present, and reasonably foreseeable future actions. Cumulative impacts can be deemed substantial and subject to mitigation conditions even though they may consist of individual actions having relatively minor impacts.

“Developer” means any person, firm, corporation, or agency engaged in the act of development.

“Development” means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any stage of water level development does not include dismantling or removing structures if there is no other associated development or re-development.

“Development plan” means a proposal for development consisting of such site plans, vicinity maps, drawings, illustrations, documents, and conditions as may be necessary and appropriate.

“Dock” means a place for vessels to moor and may include a variety of facilities including piers and floating structures extending from the shore over the water. This definition does not include over-water trails.

“Dredging” is the removal of earth, sand, gravel, silt, or debris from below the ordinary high water mark of any river, stream, pond, lake, or other water body and beneath the area of seasonal saturation of any wetland.

“Earth/earth material” means naturally occurring rock, soil, stone, sediment, or combination thereof.

“Ecological function” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute an element of a natural ecosystem.

“Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

“Enhancement” (of habitats in general) means the improvement of existing habitat such as by increasing plant density or structural diversity, or by ~~controlling nonindigenous or noxious species by replacing with native species~~ removing nonindigenous or noxious species and by replacing with native species.

“Enhancement” (of wetlands) means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s), or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. ~~[Examples are planting vegetation, controlling nonnative or invasive species, and replacing with native species. And modifying site elevations to alter hydroperiods.]~~ Activities typically consist of planting vegetation, controlling nonnative or invasive species and replacing with native species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

“Erosion” means wearing away of rock or soil by the gradual detachment of soil and rock fragments by water, wind, ice, and other mechanical and chemical forces.

“Erosion hazard areas” are areas identified by the United States Department of Agriculture Soil Conservation Service as having a severe rill and inter-rill erosion hazard.

“Excavation” means the mechanical removal of earth material.

~~“Existing and ongoing agricultural activities” include those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities that bring a previously nonagricultural area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted is proposed for conversion to a nonagricultural use or has lain idle for a period of longer than five years, unless the idle land is registered in a federal or state soils conservation program.~~

“Exotic” means a species, plant community type, or habitat that has been introduced or modified as a result of human actions.

“Fair market value” means the open market bid price for conducting construction of the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment or materials.

“Feasible” means that an action, such as a development project, mitigation, or restoration requirement, meets all of the following conditions:

- A. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
- B. The action provides a reasonable likelihood of achieving its intended purpose; and
- C. The action does not physically preclude achieving the project’s primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the city may weigh the action’s relative public costs and public benefits, considered in short- and long-term time frames.

“Federal Manual” or “federal methodology” means the methodology for identifying wetlands in the field as described in the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

“Fill” means earth or any other substance or material placed in or on the ground, including earth retaining structures, in an area waterward of the OHWM. In wetlands, it includes any action that raises the elevation or creates dry land.

“Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface, or other fill material.

“Fish and wildlife habitat conservation area” means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range and movement corridors, and areas with high relative population density or species richness. “Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

“Floodplain” is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

~~“Floodway” means the channel of a river or other watercourse and the adjacent land areas that either:~~

~~A. Has been established in Federal Emergency Management Agency Flood Insurance Rate Maps or floodway maps; or~~

~~B. Consists of those portions of a river valley lying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually.~~

~~C. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.~~

Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (not more than one foot). Also referred to as “regulatory floodway.”

“Frequently flooded areas” are lands in the floodplain subject to at least a one percent or greater chance of flooding in any given year or within areas subject to flooding due to

high ground water. These areas include, but are not limited to, streams, rivers, and wetland areas where high ground water ponds on the ground surface.

“Functions and values” means the beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological and aesthetic value protection; educational opportunities and recreation.

“Geologically hazardous areas” are areas that because of their susceptibility to erosion, sliding, earthquakes or other geological events are not suited to siting commercial, residential or industrial development consistent with public health or safety concerns.

“Geotechnical report or geotechnical analysis” means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, estimates of susceptibility to erosion, sliding, earthquake, or other geological events, and the extent of risk to the health and safety of persons and property. Such a report shall include conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise regarding the regional and local geology and processes.

“Grading” means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

“Habitat management” means management of land to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. This does not imply maintaining all habitat or individuals of all species in all cases.

~~“Habitat map” means maps of plant cover types/communities, referred to as fish and wildlife conservation areas, adopted by the city of Richland to indicate the potential presence of wildlife species.~~

“High impact land use” means land uses that are generally associated with relatively high levels of human activity or disturbance, development of structures, or substantial wetland habitat impacts. Depending on their context, high impact land uses can include, but are not limited to, residential buildings and structures, active recreation areas and facilities, commercial and industrial land uses, buildings and structures, and similar uses and activities which create a significant potential for impacts to wetlands. The context for determining the impact of a land use includes the sensitivity of the wetland, the density and intensity of adjacent development, the amount of impervious surface, the

orientation of proposed buildings and structures, and other relevant factors as determined in an individual case.

“In-kind mitigation” means replacement of wetlands with substitute wetlands whose characteristics closely approximate those destroyed or degraded by a regulated activity.

“In-stream structures” are structures located waterward of the ordinary high water mark that either cause or have the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

“Isolated wetlands” means those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water.

“Landslide hazard areas” are areas that are potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Landslide hazard areas include, but are not limited to, the following types of areas:

A. Areas delineated by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development;

B. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the United States Geological Survey or Department of Natural Resources Division of Geology and Earth Resources;

C. Areas with all three of the following characteristics:

1. Areas with slope steeper than 15 percent;
2. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
3. Springs or ground water seepage;

D. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or which are underlain or covered by mass wastage debris of that epoch;

E. Areas with slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

F. Areas with slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;

G. Areas potentially unstable as a result of rapid stream incision, stream bank erosion and undercutting by wave action;

H. Areas that show evidence of, or on, an active alluvial fan presently or potentially subject to inundation by debris flows or catastrophic flooding; or

I. Areas with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

“Local utility” means public or private utilities normally servicing a neighborhood or defined subarea in the city (e.g., telephone exchanges, sanitary sewer, stormwater facilities, distribution lines, electrical distribution less than 55 kilovolts, telephone, cable television, etc.).

“Low impact land use” means land uses that are typically associated with relatively low levels of human activity, disturbance or development, and that are conducted in a manner so as to minimize impacts to the buffer. Low impact land uses may include:

A. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife;

B. Passive recreation, including walkways or trails [which may be](#) located in the outer 25 percent of the buffer area;

C. Educational and scientific research activities, provided prior approval is obtained from the approval authority;

D. Normal and routine maintenance and repair of any existing public or private facilities, provided appropriate measures are undertaken to minimize impacts to the wetland and its buffer, and that disturbed areas are restored immediately to a natural condition; or

E. Agricultural land uses that do not create a significant probable wetland impact.

“Marina” means any commercial or club-owned facility consisting of docks or piers serving five or more vessels, or a shared moorage serving a subdivision serving 10 or more vessels.

“Mining” means the removal of sand, gravel, soil, minerals, and other earth materials for commercial and other uses.

[“Mitigation” means a series of prioritized actions that when achieved in full ensures project impacts will result in no net loss of ~~habitat value or fish and wildlife populations~~ ecological functions.](#)

~~“Mitigation”~~ [Mitigation](#) involves actions that proceed in sequence from the highest to the lowest priority as follows:

A. Avoiding impacts to environmentally ~~sensitive~~ [critical](#) areas by not taking action or parts of actions.

B. Minimizing impact by limiting the degree or magnitude of the action and its implementation.

C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

E. Compensating for the impact by replacing or providing substitute resources or environments.

While monitoring alone is not considered mitigation for purposes of these regulations, it may be part of a comprehensive mitigation program.

“Mixed use” within an area subject to the jurisdiction of the Shoreline Management Act means a combination of compatible uses within one development, in which water-oriented and non-water-oriented uses are included.

“Multiple use” means a combination of compatible uses within one development, and may include commercial, multifamily, and recreation uses, among others. The term “mixed use” in RMC Title 23, Zoning Regulations, may be used in the same sense as “multiple use” in this title, Shoreline Management.

“Native vegetation” means vegetation indigenous to the area in question.

“Natural or existing topography” means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.

“No net loss of ecological functions” is the maintenance of existing ecological processes and functions at the level that existed at the time of approval of relevant policies and regulations.

A. No net loss of ecological functions on the level of the city means that the ecological processes and functions are maintained within a watershed or other functional catchment area. Regulations may result in localized cumulative impacts or loss of some localized ecological processes and functions, as long as the ecological processes and functions of the system are maintained. Maintenance of system ecological processes and functions may require compensating measures that offset localized degradation.

B. On a project basis, “no net loss” means that permitted use or alteration of a site will not result in on-site or off-site deterioration of the existing condition of ecological functions that existed prior to initiation of use or alterations as a direct or indirect result of the project.

C. No net loss is achieved both through avoidance and minimization of adverse impacts as well as compensation for impacts that cannot be avoided. Compensation may include on-site or off-site restoration of ecological functions to compensate for localized degradation.

“Non-water-dependent use” means those uses which are not water-dependent.

“Non-water-oriented use” means those uses which are not water-dependent, water-related, or water-enjoyment.

~~“Nonconforming lot, use, structure, or site” means a preexisting parcel which was lawfully created prior to the effective date of this program but does not meet minimum size or other dimensional requirements, a use which was legally established prior to the effective date of this program, which would not be permitted as a new use in the area in which it is located under the terms of this program, or a structure lawfully erected prior to the effective date of this program or a site altered or improved which does not meet current standards for setbacks, buffers, vegetation conservation, landscaping, public access, screening, or other regulations for the area in which it is located due to changes in regulations since its establishment.~~

“Non-conforming use or development” means a shoreline use, building, or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable permitting provisions in the shoreline jurisdiction (WAC 173-27-080).

“Open space” means an area that is intended to provide light and air, view, use, or passage of persons or animals which is almost entirely unobstructed by buildings, paved areas, or other human-made structures, and is designed or preserved for environmental, habitat, scenic, or recreational purposes.

“Ordinary high water mark” means the mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland and vegetation, as that condition existed on June 1, 1971, for all lands under the jurisdiction of the Shoreline Management Act, or for other lands on the effective date of the relevant provisions of this program, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or other authorized jurisdictions. In any area where the ordinary high-water mark cannot be found, it shall be defined in accordance with WAC 173-22-030, generally the line of the mean higher high tide in areas adjoining salt water, and the line of mean high water in areas adjoining fresh water.

“Party of record” includes all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

“Permanent erosion control” means continuous on-site and off-site control measures that are needed to control conveyance or deposition of earth, and turbidity or pollutants after development, construction, or restoration.

“Permit” means that [shoreline](#) substantial development, [shoreline](#) special use, or [shoreline](#) variance permit issued by the city of Richland [administrator](#) prior to substantial development in shoreline areas, subject to review by the State of Washington Department of Ecology and the State Attorney General.

“Pier” means docks or similar structures supported by fixed piles. This definition does not include over-water trails.

“Preservation” (of wetlands) means the removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes the purchase of land or easements, repairing water control structures or fences, or structural protection. Preservation does not result in a gain of wetland acres but may result in a gain in functions over the long term.

“Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must [either be a habitat included on WDFW’s Priority Habitat and species list or](#) have one or more of the following attributes:

- A. Comparatively high fish or wildlife density;
- B. Comparatively high fish or wildlife species diversity;
- C. Fish spawning habitat;
- D. Important wildlife habitat;
- E. Important fish or wildlife seasonal range;
- F. Important fish or wildlife movement corridor;
- G. Rearing and foraging habitat;
- H. Important marine mammal haul-out;
- I. Refugia habitat;
- J. Limited availability;
- K. High vulnerability to habitat alteration;
- L. Unique or dependent species; or
- M. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands ~~or~~ eelgrass meadows [or shrub steppe habitat](#)). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated

marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife.

“Priority habitat and species list” means a list published by the Washington Department of Fish and Wildlife, which is a catalog of habitats and species considered to be priorities for conservation and management. Priority species require protective measures for their survival due to their population status, sensitivity to habitat alteration, and/or recreational, commercial or tribal importance. Priority species include state endangered, threatened, critical and candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial or tribal importance that are vulnerable. Priority habitats are habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type (e.g., shrub-steppe) or dominant plant species (e.g., juniper savannah), a described successional stage (e.g., old-growth forest) or a specific habitat feature (e.g., cliffs).

“Priority habitat and species map” means maps of plant cover types/communities. Considered by Washington State Department of Fish and Wildlife to contain priority habitat or wildlife species. PHS is a source of best available science that informs local planning activities and land use applications.

~~“Priority species” means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.~~

~~A. Criterion 1, State-Listed or State-Proposed Species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State-proposed species are those fish and wildlife species that will be reviewed by the Department of Fish and Wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.~~

~~B. Criterion 2, Vulnerable Aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.~~

~~C. Criterion 3, Species of Recreational, Commercial, and/or Tribal Importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance, and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.~~

~~D. Criterion 4. Species listed under the Federal Endangered Species Act as either proposed, threatened, or endangered.~~

“Public access” means a physical and/or visual approach to and along the shoreline available to the general public.

“Public interest” means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected, including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

~~“Qualified consultant” means a professionally trained and/or certified wildlife biologist, ecologist or other professional with expertise in the scientific disciplines necessary to identify, evaluate and manage habitat.~~

“Qualified professional” ~~means~~ for the purpose of these regulations, shall mean a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a Bachelor of Science or Bachelor of Arts or equivalent degree in biology, ecology, engineering, environmental studies, fisheries, geomorphology or related field, and at least two years of related work experience.

A. A qualified professional for habitats or wetlands must have a degree in biology, ecology or related field and professional experience related to the subject species. A “qualified wetland specialist” is further defined below.

B. A qualified professional for a geological hazard must be a professional geotechnical engineer or geologist, licensed in the state of Washington.

C. A qualified professional for critical aquifer recharge areas ~~means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments~~ must be a currently licensed Washington State geologist holding a current specialty license in hydrology.

“Qualified wetland specialist” means a person or firm with experience and training in wetland issues, and with experience in performing delineations, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include:

A. A Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, ecology, environmental studies, fisheries, soil science, wildlife or related field, and at least two years of related work experience, including a minimum of one year of experience delineating wetlands using the Unified Federal Manual in preparing wetland reports. Additional education may substitute for one year of related work experience; or

B. Four or more years of related work experience and training, with a minimum of two years’ experience delineating wetlands using the Unified Federal Manual in preparing wetland reports.

“Recreation areas or facilities” means any privately or publicly owned passive or active facility that provides for activities undertaken for pleasure or relaxation and for the refreshment of the mind and body that takes place in the outdoors or in a facility dedicated to the use, including, but not limited to, walking, fishing, photography, viewing, and bird watching, and may include parks, playgrounds, sports fields, paths and trails, beaches, or other recreation areas or facilities.

“Reestablishment” (of wetland) means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Reestablishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

“Regulated activity” means ~~activities occurring in or near and/or potentially affecting a wetland or wetland buffer that are subject to the provisions of the shoreline master program. Regulated activities generally include, but are not limited to, any filling, dredging, dumping or stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting~~ activities generally including, but not limited to, filling, dredging, dumping, stockpiling, draining, excavation, flooding, construction or reconstruction, driving pilings, obstructing, shading, clearing or harvesting, or any other activity that may impact the functions and values of the nearby critical area as determined by the administrator.

“Rehabilitation” (of wetland) means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or returning tidal influence to a wetland.

“Restore” or “restoration” or “ecological restoration” means the reestablishment or upgrading of impaired natural or enhanced ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to pre-Columbia Basin Project, aboriginal or pre-European settlement conditions.

~~“Riparian management zone” (RMZ) means the fish and wildlife habitat conservation area adjacent to all rivers and streams delineated to protect riparian ecosystem functions and values. Its inner point of measure is the wider of (A) the ordinary high water mark or (B) the outer extent of the channel migration zone. Its width is the greater of (A) 100 feet, (B) one site potential tree height of a 200-year old tree, and (C) the width needed to reliably remove pollutants as determined through a habitat conservation report.~~

“Riparian ecosystem”, or “Riparian area” means the area alongside a water body that significantly influences exchanges of energy and matter among terrestrial and aquatic ecosystems. Along streams and rivers, it includes the active channel, channel migration zone, floodplain, and portions of the adjacent uplands that contribute organic matter and shade, provide space for nutrient cycling, and keep pollutants from entering the stream.

“Sanitary landfill” is a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of

earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

~~"Secondary habitat" or "secondary wildlife habitat" means areas with one or more of the following attributes: comparatively high wildlife density; high wildlife species richness; significant wildlife breeding habitat; significant wildlife seasonal ranges; significant movement corridors; limited availability; and/or high vulnerability. Secondary habitat offers less diversity of animal and plant species than critical habitat, but is important for performing the essential functions of habitat.~~

"Seismic hazard areas" are areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. One indicator of potential for future earthquake damage is a record of earthquake damage in the past. Ground shaking is the primary cause of earthquake damage in Washington. The strength of ground shaking is primarily affected by: (A) magnitude of an earthquake; (B) distance from the source of an earthquake; (C) type of thickness of geologic materials at the surface; and (D) type of subsurface geologic structure.

~~"Sensitive Critical areas" are those areas and ecosystems as defined under Chapter 36.70A RCW, and include:~~

~~A. Wetlands;~~

~~B. Areas with a critical recharging effect on aquifers used for potable waters;~~

~~C. Fish and wildlife habitat conservation areas;~~

~~D. Frequently flooded areas; and~~

~~E. Geologically hazardous areas.~~

"Shall" means a mandate; the action must be done.

"Shorelands or shoreland areas" means those lands under the jurisdiction of the Shoreline Management Act extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters ~~that~~ which are subject to the provisions of the Shoreline Management Act, RCW 90.58.030; the same to be designated as to location by the Washington State Department of Ecology.

"Shoreline areas" mean all shorelines of the state and shorelands.

"Shoreline jurisdiction" means all areas subject to the SMP.

"Shoreline program" or "Shoreline Master Program (SMP)" shall refer to the Richland shoreline master program.

“Shoreline stabilization” means structural and nonstructural actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. These actions include structural and nonstructural methods.

“Shorelines of Richland” are the total of all shorelines and shorelines of statewide significance within the corporate limits of the city of Richland.

“Should” means, in areas that are subject to the provisions of the Shoreline Management Act, RCW 90.58.030, that a particular action is required unless there is a demonstrated compelling reason, based on the policy of the Shoreline Management Act and this program, against taking the action. The administrator shall make the determination about whether or not an applicant has demonstrated that there is a compelling reason against taking an action, and may consult with the Department of Ecology and other agencies with jurisdiction over a proposal in making such a determination.

“Site” means any parcel or combination of contiguous parcels where a proposed project is located.

“Slope” means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.

“Solid waste” is defined as those presently unwanted residues of used natural or manmade resources and of human activity, including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, which are handled or managed in solid form.

“Stormwater” means runoff during and following precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface water body or a constructed treatment, evaporation or infiltration facility.

“Structural diversity” means the relative degree of diversity or complexity of vegetation in a habitat area as indicated by the stratification or layering of different plant communities (e.g., ground cover, shrub layer, and tree canopy); the variety of plant species; and the spacing or pattern of vegetation.

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

“Substrate” means the soil, sediment, decomposing organic matter or combination of those located on the bottom surface of the wetland.

“Temporary erosion control” means on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity, or pollutants during development, construction or restoration.

"Variance" means a means to grant relief from the specific bulk, dimensional, or performance standards specified in the SMP, but not a means to vary a shoreline use. Shoreline variances must be specifically approved, approved with conditions, or denied by Ecology (see WAC 173-27-170).

"Water-dependent use" means a use or portion of a use which cannot exist in a location that is not adjacent to the water, and which is dependent on the water by reason of the intrinsic nature of its operations.

"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use, or a use that provides for enjoyment or recreational use of the shoreline for a substantial number of people as a general characteristic of the use, and which through location, design, and operation ensures the public's ability to enjoy the visual and physical qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public, and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

"Water-oriented use" means a use that is water-dependent, water-related or water-enjoyment, or a combination of such uses.

"Water-related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location, but its economic viability is dependent upon a waterfront location because:

A. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

B. The use provides a necessary service supportive of the water-dependent uses, and the proximity of the use to its customers makes its services less expensive and/or more convenient.

"Wetland" or "wetlands" refers to areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include ~~those artificial~~artificially created wetlands, ~~intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.~~ Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands or wetland areas preserved as mitigation for the conversion of wetlands, if permitted by the City.

"Wetland, artificially created" means wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities, or those wetlands created after July 1, 1990, that were unintentionally

created as a result of the construction of a road, street, or highway. ~~Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.~~

“Wetland buffer area” means a naturally vegetated and undisturbed, enhanced or revegetated zone surrounding a natural, restored, or newly created wetland that is an integral part of a wetland ecosystem, and protects a wetland from adverse impacts to the integrity and value of the wetland. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from harmful intrusion.

~~“Wetland class” means one of the 11 class names used to describe wetland and deepwater habitat types as derived from the U.S. Fish and Wildlife Service wetland classification scheme consisting of a hierarchy of systems, subsystems, classes and subclasses to describe wetland types. Refer to USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States for a complete explanation of the wetland classification scheme. These class names include: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, aquatic bed, unconsolidated bottom, rock bottom, rocky shore, stream bed, and reef.~~

“Wetland delineation” means ~~the actual flagging or staking in the field of the edges of the wetland by a qualified consultant or their representative~~ a delineation done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided for in WAC 173-22-035.

“Wetland determination” means a report prepared by a qualified ~~consultant~~ professional that identifies, characterizes, and analyzes potential impacts to wetlands consistent with applicable provisions of these regulations. A determination does not include a formal delineation.

~~“Wetlands” or “wetland areas” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. For identifying and delineating a regulated wetland, the methodology shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements as provided in RCW 90.58.380 and WAC 173-22-035.~~

“Wildlife habitat” means areas that provide food, protective cover, nesting, breeding, or movement for fish and wildlife, and with which individual species have a primary association.

~~“Wildlife report” means a report prepared by a qualified consultant that evaluates plant communities and wildlife functions and values on a site, consistent with the format and requirements established by this program.—~~

Footnotes to Definitions.

* “Adjacent,” subsection (C) – The distance of 250 feet is based on maximum wetland buffer.

** “Adjacent,” subsection (E) – The distance of 200 feet is a suggested distance to ensure that activities within the critical aquifer recharge area are included under this chapter, even when the exact boundaries of the critical aquifer recharge area are not known at the time of application.

Response Matrix
City of Richland Shoreline Master Program Update

	Commenter	Comment	Comment Date	City Staff Response
1-50	Debbie Berkowitz	Comments 1-50 were submitted 4/18/2021 and on 5/19/2021, the commenter sent a revised set of comments stating, "The comments below are based on the current draft version of the SMP update that was posted online on 5/4/21 (RMCTitle26EditsV7). This is a revision of my original comments (dated 4/18/21) that had been based on the 3/16/21 draft (V5); these revised comments recognize the changes that were made between these two draft versions i.e., the addition of a number of definitions from the CAO and the switch from the term 'sensitive' to 'critical.'"	4/18/2021	The City has responded to comments 1-50 by responding to the comments as they appeared in the 5/19/2021 letter because the commenter revised their comments from 4/18/2021 and resubmitted them.
51	Patrick Paulson	In the latest Draft (also in previous drafts), the Table "26.30.012 Bulk and dimension chart" refers to "Table 26.60.042, Riparian Buffer Width", but that table has been stricken. In addition, the entry for "Riparian Forest" has been stricken from "Table 26.60.024(D) Wetland Buffer Widths". I'm wondering if the intent is that these edits are due to section 26.60.044 (FWHCA Performance standards) item J, which requires that : Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title	5/12/2021	Comment noted. The table has been retained.

		26 and wetland buffer requirements as established in RMC 22.10.110. (That would kind of make sense, since Riparian areas are PHS, and so the FWHCA performance standards would apply) Or is there a different explanation for the missing riparian buffer widths? Thanks, the answer to this question will really help when making comments.		
52	Debbie Berkowitz	For consistency with the CAO and with State nomenclature (and for internal consistency within this SMP update, including in headings), fish or wildlife habitat areas should be changed to fish and wildlife habitat conservation areas, geologic hazard areas to geologically hazardous areas, flood hazard areas to frequently flooded areas, City of Richland to administrator, and qualified consultant to qualified professional throughout as was done in the CAO (currently, both sets of terms in each category are used in the SMP).	5/19/2021	Comment accepted. Nomenclature will be consistently revised.
53	Debbie Berkowitz	P. 82 - 26.60.032. – Unauthorized alterations and enforcement – This clause is applicable to other critical areas, not just wetlands, so should be included in Article VII. General Information (as it is in the CAO, 22.10.435).	5/19/2021	We moved the section to 26.60.085 as suggested.
54	Debbie Berkowitz	P. 83 - 26.60.010 A1. Make this consistent with the CAO (22.10.010A1) by including all the listed benefits of wetlands.	5/19/2021	Revised as suggested.
55	Debbie Berkowitz	P. 84 – 26.60.010 A. Add (4) CARA benefits and (5) Frequent flooding section (from CAO 22.10.010A4 and 5.)	5/19/2021	Revised as suggested.

56	Debbie Berkowitz	P.84 – 26.60.010C. Follow CAO 22.10.010C1. The intent of this chapter is to implement the goals and policies of the city of Richland’s comprehensive plan, in particular those goals and policies that pertain to natural features and environmental protection. [the other goals and policies listed are implemented under the other parts of this document and should be deleted here].	5/19/2021	Comment noted. No Changes proposed at this time.
57	Debbie Berkowitz	P. 85 - 26.60.020 The following activities which occur in conjunction with a development application within a wetland.... [see CAO 22.10.070] (i.e., delete strikeout part since these activities should be regulated whether or not there is a development application)	5/19/2021	Comment noted and language deleted.
58	Debbie Berkowitz	P. 86 - 26.60.020F Add ‘intentional burning’ to the list [see CAO 22.10.070F]	5/19/2021	Revised as suggested.
59	Debbie Berkowitz	P. 86 - 26.60.021A1. This is not an ‘and’ list (‘e. Are not an alkali wetland; and’); it should be an ‘or’ list (‘e. Are not an alkali wetland; or’) – it is not clearly written [‘and’ was not included (after e.) in the CAO, 22.10.080B1]. A better alternative would be to eliminate this exemption as per the following: WDOE guidance for CAO Updates Eastern WA Version (2016), P. 8: “The scientific literature does not support exempting wetlands that are below a certain size. While we recognize an administrative desire to place size thresholds on wetlands that are to be regulated, you need to be aware that it is not possible to conclude from size alone what functions a particular wetland may be providing. Because of the important wildlife functions provided by small wetlands in Eastern Washington, Ecology does not recommend exempting small wetlands from regulation.”	5/19/2021	See response in line 60, below.

60	Debbie Berkowitz	...cont'd... Use this instead – “Small isolated wetlands in arid landscapes often have a higher value and perform greater functions than in other settings. However, in certain circumstances, applying the buffers in Table [26.60.024(D)] may result in buffer areas greater than that of the wetland being protected. In these instances, the City may consult with the Department of Ecology to determine whether exemptions from mitigation sequencing and/or reduced buffers are warranted.”	5/19/2021	Comment noted. We revised as suggested, with a grammatical change.
61	Debbie Berkowitz	P. 87 - 26.60.021B4. Are all agricultural activities automatically allowed without a critical area report or just existing and ongoing agricultural activities? Follow CAO 22.10.080C3. “Agricultural activities that are existing and ongoing; provided, that they implement applicable best management practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Services Field Office Technical Guide; or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts to wetlands from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations and wildlife habitat.”	5/19/2021	Revised as suggested.
62	Debbie Berkowitz	P. 88 - 26.60.022. Add from CAO 22.10.090 “Additional guidance may be obtained from the Department of Ecology publication “Focus on Irrigation Influenced Wetlands” (Publication No. 10-06-015) or as may be amended in the future.”	5/19/2021	Revised as suggested.

63	Debbie Berkowitz	P. 90 - Table 26.60.024(D). Category II High level of function for water quality improvement. Add back in "No additional surface discharges of untreated runoff."	5/19/2021	Revised as suggested.
64	Debbie Berkowitz	P. 90 - Table 26.60.024(D) Category II Add Riparian forest back in and include buffers and other measures from CAO 22.10.110(D) table.	5/19/2021	Revised as suggested.
65	Debbie Berkowitz	P. 92 - 26.60.025C1a. Add 'if all three' [the width of the buffer can be reduced if all three of the following criteria are met] [see CAO 22.10.115C1a]	5/19/2021	Revised as suggested.
66	Debbie Berkowitz	P. 93 - 26.60.025(D). Table column heading should be 'Examples of Activities and Uses that Cause Disturbances. [See CAO 22.10.115(D)]	5/19/2021	Revised as suggested.
67	Debbie Berkowitz	P. 94 - See 'other issues' #6 on next page of this comment letter.	5/19/2021	26.60.057 updated to match 22.10.300 (per Ord 16-21)
68	Debbie Berkowitz	P. 95 - Add the equivalent to 22.10.115H re signs and fencing of wetlands and buffers (e.g., when domestic grazing animals are on site)	5/19/2021	We added section H. Signs and fencing of wetlands and buffers, as it appears in 22.10.115H.
69	Debbie Berkowitz	P. 95 - 26.60.026C2c. This section is redundant with section C2a. Should be replaced by the statement: "c. Avoids alterations of wetlands previously enhanced or created as mitigation." [this is section 22.10.120C2d. in the CAO].	5/19/2021	Comment noted. The section has been revised to eliminate redundancy.
70	Debbie Berkowitz	P. 112 - 26.60.032 Add G (from CAO 22.10.435). 'Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.' [as mentioned in this comments section, item #2, P. 82 26.60.032, it would be preferable to include this whole section under Article VII. General Information as was done in the CAO, 22.10.435, since it is applicable to other critical areas as well].	5/19/2021	We moved 26.60.032 to Article VII, as suggested.

71	Debbie Berkowitz	P. 132 - 26.60.080 Add from CAO 22.10.360 – provided they are conducted using best management practices ‘and minimize and/or mitigate the impacts to critical areas’.	5/19/2021	We revised 26.60.080.
72	Debbie Berkowitz	P. 132 - 26.60.080A. Add (from CAO 22.10.360) ‘and subject to the provisions found in RMC 22.10.080(C)(3)’.	5/19/2021	Revised as suggested however, the reference is to RMC 26.60.021.B.4. rather than the CAO.
73	Debbie Berkowitz	P. 133 - 26.60.080F. Add (from CAO 22.10.360) ‘Retroactive mitigation must occur within the first growing season following completion of the emergency work.’	5/19/2021	Revised as suggested.
74	Debbie Berkowitz	P. 134 - 26.60.081B3c. These items (i.-iv.) should be included on the map as well [as in the CAO 22.10.370B3b vi.-ix.].	5/19/2021	Comment noted. Changed as suggested.
75	Debbie Berkowitz	P.135 - 26.60.081B5. Add (from CAO 22.10.370B5)‘a report on FWHCAs shall include the requirements listed in RMC26.60.043’ together with...	5/19/2021	Revised as suggested. <i>*Later changed to reference 26.60.044 which is the correct citation (AHBL, 5/19/2023)</i>
76	Debbie Berkowitz	P. 138 - Add section between 26.60.082 and 26.60.083, equivalent to CAO 22.10.385 Notice on title.	5/19/2021	The section has been added as 26.60.086.
77	Debbie Berkowitz	P. 138 - Include the equivalent of CAO 22.10.435 ‘Unauthorized alterations and enforcement.’ This is needed for FWHCAs; currently, the SMP includes this only for wetlands. As with the CAO, this section could be placed at the end for all critical areas and not included specifically for wetlands.	5/19/2021	The section has been added as 26.60.085.

78	Debbie Berkowitz	P. 122 26.60.044J and P. 37 – 26.30.012. The Riparian Buffer Width table is missing, yet is referred to in the text in the chart on P. 37. Having minimum buffer widths established in the SMP is also referenced in the CAO (section 22.10.210). CAO section 22.10.210 (and SMP section 26.60.044J) state that “Riparian corridors shall also meet the minimum requirements as established in RMC Title 26.” It is very important to have minimum riparian buffer width requirements as provided in original Table 26.60.042 for different shoreline environmental designations (even though as shoreline designations, they are not included in the CAO). In section 26.60.044J, the riparian buffer widths should also take into account the Best Available Science from WDFW (2020 Riparian Ecosystems Vol 1 and Vol 2, which discuss aquatic system functions; and 1997 Management Recommendations for Washington’s Priority Habitats: Riparian, which discusses terrestrial habitat functions).	5/19/2021	Comment noted. The table has been retained. A change to the buffer widths is beyond the scope of this periodic update.
79	Debbie Berkowitz	P. 64-65 – 26.50.012D. How is the city tracking and periodically evaluating the cumulative effects of all project review actions in shoreline areas? What about non-project actions and exempt actions?	5/19/2021	Thank you for your question. Project review and permit administration is regulated by RMC Chapter 26.50.
80	Debbie Berkowitz	P. 67 – 26.50.020B7. Is noncommercial dock construction controlled by the Corps (since it’s below OHWM)?	5/19/2021	The SMP provides regulations for noncommercial docks such as in section 26.20.090.
81	Debbie Berkowitz	P. 70-71 – 26.50.025A, B, D. If there is no Substantial Development Permit, how do the City and the community track cumulative effects of these activities since these regulations apply whether or not a substantial development permit or other type of city approval is sought [26.60.012]?	5/19/2021	Project review and permit administration is regulated by RMC Chapter 26.50. Please note, we changed the word "certificate" to "permit"; and "letter" changed to "permit".

82	Debbie Berkowitz	5. P. 94 26.60.025F. ...normal and routine maintenance of existing utility easements providing that the maintenance and repair does not increase the footprint or use of the facility or right-of-way. (Add underlined portion, from WDOE 1606002)	5/19/2021	Revised as suggested.
83	Debbie Berkowitz	P. 128 – Article V. Since the CARA section of the CAO is currently being updated to comply with DOH guidance, shouldn't the CARA section of the SMP also be updated?	5/19/2021	We updated section 26.60.057 to match 22.10.300 (per Ord 16-21).
84	Debbie Berkowitz	General. Vegetation along the shoreline has been cut back in City-owned/leased areas and private areas with little or no replanting of native plants in a number of instances since (and before) the last SMP update. There has been little mitigation or consequences to those who cut the vegetation. Enforcement is an issue along the shoreline, especially in FWHCA buffer zones. For example, the City is supposed to 'control invasive weeds and replace existing invasive species with native or compatible species that perform ecological functions similar to native species. Native species are preferred in underdeveloped areas of the shoreline.' (26.20.040 A and B and F) The SMP update should provide a more robust enforcement capability with an educational component that stresses the importance of the riparian and associated upland environment for water quality and for fish and wildlife. What can the City do to improve enforcement and education?	5/19/2021	Comment noted. The proposed change to the SMP you describe is beyond the scope of the periodic update.
85	Debbie Berkowitz	P. 95 - 26.60.026C2a. this section through RMC 26.60.030 (not 26.60.028 Mitigation standards...). [see 22.10.120C2a]	5/19/2021	Revised as noted.

86	Debbie Berkowitz	P. 102 - 26.60.028C1. reference section in SMP (not CAO)	5/19/2021	We made the change as noted.
87	Debbie Berkowitz	P. 107 - 26.60.029B4. reference section in SMP (not CAO)	5/19/2021	Revised as noted.
88	Debbie Berkowitz	P. 108 - 26.60.030A15. add 'qualified' professional	5/19/2021	Revised as noted.
89	Debbie Berkowitz	P. 111 - 26.60.031B7. reference section in SMP (not CAO)	5/19/2021	We changed the reference to 26.60.029.B.3. <i>*Later changed to reference 26.60.030 which is the correct citation (AHBL, 5/19/2023)</i>
90	Debbie Berkowitz	P. 122 - 26.60.044J reference section in SMP, i.e., 26.60.024(D) (not CAO)	5/19/2021	Revised as noted.
91	Debbie Berkowitz	P. 123 - 26.60.045B. reference section in SMP (not CAO).	5/19/2021	Revised as suggested.
92	Debbie Berkowitz	P. 132 - 26.60.072C CMZs aren't mentioned in Chap. 23.12. This needs to reference RMC 22.16	5/19/2021	We removed section C.
93	Debbie Berkowitz	Definitions: • Artificially created wetland and Associated jurisdictional wetland – in SMP, move to Wetland, artificially created, etc. [easier to find if use the main term in the phrase]	5/19/2021	Revised as suggested.
94	Debbie Berkowitz	• Buffers B. add 'wildlife friendly' fences	5/19/2021	We added signs and fencing of wetland buffers as in 22.10.115H.
95	Debbie Berkowitz	• Creation – 3rd line, change 'Establishment' to 'Creation'	5/19/2021	Changed 'Establishment' to 'Creation'.
96	Debbie Berkowitz	• Critical habitat or critical wildlife habitat – eliminate, redundant with FWHCA definition and text.	5/19/2021	Revised as suggested.

97	Debbie Berkowitz	• Enhancement – add ‘ and replacing with native species’ (i.e.,... ‘removing nonindigenous or noxious species and replacing with native species’]	5/19/2021	Revised as suggested.
98	Debbie Berkowitz	• Existing and ongoing agricultural activities – move to ‘Agricultural activities, existing and ongoing’ [easier to find if use the main term in the phrase]	5/19/2021	Revised as suggested.
99	Debbie Berkowitz	• Floodway – use definition from RMC 22.16 – Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (not more than one foot).	5/19/2021	Revised as suggested.
100	Debbie Berkowitz	• Habitat maps – eliminate (term isn’t used)	5/19/2021	Revised as suggested.
101	Debbie Berkowitz	• High impact and low impact land uses – definition ok, but examples and context should be left to the text so there are no inconsistencies	5/19/2021	Revised as suggested.
102	Debbie Berkowitz	• Priority habitat – last paragraph Add ‘shrub steppe habitat’ (as in CAO) – i.e., A priority habitat may be described by a unique vegetation type..... (such as oak woodlands or eelgrass meadows or shrub steppe habitat).	5/19/2021	Comment noted and this is already proposed.
103	Debbie Berkowitz	• Priority species – eliminate [already covered under priority habitats and species definition and, therefore, not in CAO]	5/19/2021	Revised as suggested.
104	Debbie Berkowitz	• Qualified consultant – remove from SMP; use qualified professional instead and incorporate missing parts of CAO definition	5/19/2021	We replaced CARA (C) with the definition from the CAO.
105	Debbie Berkowitz	• Regulated activity – use CAO definition instead of SMP definition (i.e., not restricted to wetlands)	5/19/2021	We replaced with the definition from the CAO.
106	Debbie Berkowitz	• Secondary habitat – remove from SMP, term not used	5/19/2021	We removed the term.

107	Debbie Berkowitz	• Sensitive areas – already changed to critical areas – move to correct alphabetical location.	5/19/2021	Revised as suggested.
108	Debbie Berkowitz	• Site – add CAO definition	5/19/2021	Comment noted and no change proposed. There are many uses of the word “site” in situations that are not specific to having an impact on a critical area.
109	Debbie Berkowitz	• Wetland class – eliminate (term isn’t used)	5/19/2021	Revised as suggested.
110	Debbie Berkowitz	• Wetland delineation – use CAO definition	5/19/2021	Revised as suggested.
111	Debbie Berkowitz	• Wetland determination – change ‘consultant’ to ‘professional’	5/19/2021	Revised as suggested.
112	Debbie Berkowitz	• Wetlands or wetland area – eliminate (redundant with ‘Wetland or Wetlands’ definition)	5/19/2021	Revised as suggested.
113	Debbie Berkowitz	• Wildlife habitat – remove from SMP, change terminology to wildlife habitat conservation area	5/19/2021	Both definitions are necessary because the term ‘wildlife habitat’ is used throughout the chapter when referring to general wildlife habitat. No change proposed.
114	Debbie Berkowitz	• Wildlife report – remove from SMP, change terminology to FWHCA report (not needed as a definition)	5/19/2021	Definition deleted and the one instance where ‘wildlife report’ used has been changed.
115	Patrick Paulson, Laurie Ness	The SMP should be clear about where riparian buffers are required and the minimum width of those buffers. To simply say “riparian areas will be protected according to Best Available Science (BAS)” gives developers, planners, and the public no idea of what buffer width requirements might be because they won’t be able to determine what the BAS is or how to interpret it. Unless buffer requirements are explicit, the Department of	5/24/2021	Table 26.60.042. Riparian Buffer Width provides the required widths of habitat/riparian buffers in the various shoreline environments.

		Ecology will be unable to determine if the SMP meets their requirements for protection of ecological functions.		
116	Patrick Paulson, Laurie Ness	We want to ensure that within the shoreline jurisdiction riparian areas are always protected. With the current language, riparian zones are protected since they must maintain the functions and values of any 'waters of the state' they are associated with, and waters of the state are FWHCA. Riparian zones are also protected because • Riparian zones are PHS (WDFW 2008, pp. 267-268), • PHS is FWHCA, and • FWHCA is protected as required by BAS. But these inferences are not clear and may be subject to future revisions of WDFW's PHS list and management recommendations.	5/24/2021	Thank you for your comments. We have made a few revisions to clarify the intent of this section of the SMP. However, a change to the buffer widths is beyond the scope of this periodic update. The following changes are proposed: • Table 26.60.042 refers to a map that the City adopted as a part of the SMP. The map is currently titled, "Regulatory Reaches" and as you pointed out, this does not match the table. The title of the map will be updated to match the reference in the table mentioned above which should reduce an element of confusion on the matter. • We have revised section 26.60.042 to better explain riparian and other buffers. • These areas will typically be subject to other required buffers such as those required for wetlands and for those required for specific uses in RMC 26.30.012.

117	Patrick Paulson, Laurie Ness	1.1 Riparian Zone Protection Text Pull the riparian buffer requirements into a separate section so they can be referenced from multiple locations in the code: 26.60.045 Protection of Riparian Zones J. A. Riparian zones shall be protected with buffers. Buffer width Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 in Table XX and wetland buffer requirements as established in RMC 22.10.110;. (Need to change the numbering of the following section ...) 26.60.0456 Fish and wildlife habitat conservation area alteration. For the riparian buffer table we've used values for the width of the Riparian Management Zone given by current WDFW recommendations. We've removed the exception for roads, canals, etc.; maintenance of existing infrastructure is already exempt from these regulations. However, the area within the riparian buffer width, but upland of any infrastructure, should be protected since not all functions and values of the riparian zone will be affected by the infrastructure (e.g., some terrestrial species can still cross a road or path at night). There is no current direct connection between the environment designations from the previous riparian buffer table to the current environment designations, so we don't know whether different values should be specified for other environment designations, what those values should be, or how	5/24/2021	See responses to comment #116. Also, section 26.60.045 Fish and wildlife habitat conservation area – Performance standards, provides protection for these areas.
-----	---------------------------------	--	-----------	--

		the City can ensure that no loss of ecological function occurs in reaches with these environment designations....		
118	Patrick Paulson, Laurie Ness	(...cont'd...)Table XX. Minimum Riparian Buffer Widths Environment Designation Stream Type[3] Riparian Buffer Width (Feet)[1 and 2] Natural All Entire shoreline jurisdiction Recreation and Recreation Conservancy All Type 'S' and Type 'F' wider than 5 ft Entire shoreline jurisdiction All others 150 Rural?, Residential?, Waterfront Use?, Industrial Conservancy?, Aquatic NA (1) Measured from the OHWM or top of bank, as applicable (2) Accompanied by other critical area provisions and stormwater management measures, as applicable. (3) Waters of the state are Type S; Fish bearing streams are Type F.	5/24/2021	A change to the buffer widths is beyond the scope of this periodic update.

119	Patrick Paulson, Laurie Ness	1.2 Update references to protection for Riparian Zones Update sections that require riparian buffers. Paragraph J of “26.60.044 Fish and wildlife habitat conservation area – Performance standards” should now read: J. Width of riparian corridors shall be in accordance with RMC 20.60.045A. buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;	5/24/2021	See Line 144 below. We simplified RMC 26.60.045.J so that it refers to the section that explains riparian buffers.
119	Patrick Paulson, Laurie Ness	...Cont’d...Update the entry for “Critical Area Buffer Non-Water-Dependent Use” in “Table 26.30.012 Bulk and dimension chart.” It currently only provides buffers for wetlands and riparian areas; it does not provide buffers to protect other types of FWHCA such as Shrub-steppe or areas associated with Endangered, Threatened or Sensitive Species. Remove the reference to the Riparian buffer table, since the text “applicable riparian buffer” already specifies the buffer meets the requirements of Chapter 26.60. Also remove the other reference to the Riparian buffer table and rely on the text ‘applicable riparian buffer’ to ensure buffer requirements are met. Critical Area Buffer Non-Water-Dependent Use Buffers and other protective measures as required by RMC Chapter 26.60. As provided by Table	5/24/2021	We revised the table so that individual buffer tables are not referenced. The reference now says, “Subject to applicable requirements in Chapter 26.60.”

		26.60.024(D), Wetland Buffer Widths, Table 26.60.042, Riparian Buffer Width		
119	Patrick Paulson, Laurie Ness	...cont'd... Minimum Building Setback Non-Water-Dependent Use NA2 15 feet (except for residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail or parking area, as applicable, as provided in Table 26.60.0422	5/24/2021	We revised the table to include a general reference to Chapter 26.60 instead of the riparian buffer table.
120	Patrick Paulson, Laurie Ness	1.3 Protect Riparian Zones within Wetlands Protect riparian zones within wetlands by adding the following row to “Table 26.60.024(D) Wetland Buffer Widths”: Riparian Zones within wetlands Riparian zone buffers as required by RMC Chapter 26.60. This ensures adequate protection for riparian areas within wetlands where the required wetland buffer is insufficient to protect riparian functions.	5/24/2021	Comment noted and no changes proposed. RMC 26.60.015 says, “In the event of any conflict between these regulations and any other regulations of the city of Richland, the regulations which provide greater protection to environmentally critical areas shall apply.
121	Patrick Paulson, Laurie Ness	Revise the definition of “Priority Habitat” from 26.80. This same definition also occurs in Richland’s CAO. The definition should be revised in both since it may cause confusion with Priority Habitats identified on WDFW’s PHS list. The following revision is meant to ensure that all WDFW PHS habitats are considered Priority Habitat: “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must either be a habitat included on WDFW’s Priority Habitat and species list or have one or more of the	5/24/2021	• Language added to the definition of “priority habitat”. • Definitions of RMZ and SPTH are not needed since the terms are not used in the text. • The definition of “sensitive area” was changed to “critical area” and moved to its alphabetically correct location.

		following attributes: ... The draft version of 26.80 is missing definitions for “Riparian Management Zone (RMZ)” and “Site Potential Tree Height (SPTH)” that are given in the CAO (But we note these phrases don’t occur in the text, so the definitions might not be needed). The definition of “Critical Area” (formerly “Sensitive Area”) needs to be moved so the definition list remains alphabetical.		
122	Myra Weihermiller	Please provide more public parking on the river side of George Washington Way near Howard Amon park. The current parking is very limited, especially so when there are events in the park. Please consider the vacant building and lot north of Sterlings.		Comment noted.
123	Debbie Berkowitz	RE:[26.30.011] Permitting Boat Mooring Facilities in all SMP environments (except Natural) -"This doesn't specify size of boat mooring facilities. Recreation conservancy designated areas should be limited in boat mooring facilities, as should rural, residential, and some recreation areas, e.g., in wetland areas."	11/26/2021	The use table in 26.30.011 was updated to reflect where boat mooring facilities are allowed in certain waterfront zoning districts in Title 23 Zoning Regulations. It is not necessary to specify in the table the number of boats allowed at moorage facilities because the size of boat mooring facilities is regulated by other code sections such as in 26.20.090 Boat and vessel facilities. Further, the definition of “Marina” in Chapter 26.80 specifies that boat moorage facilities that serve 5 or more

				vessels are considered marinas and “Marinas” are listed separately from “boat moorage” in the use table and are only permitted in 2 environments.
124	Patrick Paulson	RE:[26.20.040.E] Cite specific sources of BMP's (for pesticide application).	11/19/2021	Comment noted however no changes proposed. The SMP contains a detailed definition of “Best management practices (BMPs)” which explains that BMPs are industry standards and practices that evolve. We believe that in most cases, it is prudent to refer to BMPs in a general sense and rely on the most current data and research available rather than have the code refer to a specific source that may be outdated or superseded.
125	Patrick Paulson	RE:[26.30.012] deleted "As provided by Table 26.60.024.D, Wetland Buffer Widths, Table 26.60.042, Riparian Buffer"	11/21/2021	Revised.
126	Patrick Paulson	RE:[26.30.012] deleted "the applicable riparian buffer", wants language to be more expansive so all buffers are considered	11/7/2021	Revised to reflect a broader range of regulations.
127	Patrick Paulson	RE:[26.30.012] Minimum Building Setback Non-Water-Dependent Use: deleted "area, as applicable, as provided in Table 26.60.042".	11/21/2021	We kept the word “area” to refer to a parking area but removed the other text, as suggested.
128	Patrick Paulson	RE:[23.30.020.C] wants BMP's specified as in CAO/SMP	11/19/2021	Revised as suggested.
129	Patrick Paulson	RE:[26.30.080.F] wants BMP's specified	11/19/2021	Comment noted however no changes proposed. A general

				reference to BMPs will ensure that the most current data, research, and regulations will be consulted to minimize the potential for contamination of surface water and ground water resources. For instance, the City could expect an applicant to refer to any of the following: • Washington Pesticide Control Act (15.58 RCW), • the Washington Pesticide Application Act (17.21 RCW), • the General Pesticide Rules (WAC 16-228), • the Worker Protection Standard (WAC 16-233), and • a number of pesticide and/or county specific regulations.
130	Debbie Berkowitz	RE:[26.60.020 - Wetlands] wants listed activities regulated regardless of a development application; language stricken	11/7/2021 & 11/21/2021	Comment noted and language deleted.
131	Patrick Paulson	RE:[26.60.021] Asks, can we reference BMP's in other places so compliance w/BMP's can be evaluated?	11/19/2021	Question noted however no changes proposed. See responses to similar questions/comments.
132	Patrick Paulson	RE:[26.60.024] "We'd like text somewhere that ensures that buffers are evaluated separately for wetlands and FWHCA. For example, if a wetland contains a protective(ed?) species, and the species requires a larger buffer than required for the wetland, the larger buffer should be used. Not sure	11/7/2021	Comment noted and no changes proposed. RMC 26.60.015 says, "In the event of any conflict between these regulations and any other regulations of the city of

		how to make that general in a way that will be easily understood."		Richland, the regulations which provide greater protection to environmentally critical areas shall apply.
133	Patrick Paulson	RE:[26.60.024.D - Wetland Buffer Widths] "Want some way to state that the wetland buffer won't necessarily be enough if other critical areas occur in the same area."	11/7/2021	Comment noted and no changes proposed. RMC 26.60.015 contains a statement that critical areas may be subject to other regulations in the code.
134	Debbie Berkowitz	RE:[26.60.025.F] Added "pervious" to qualify low-impact trails	11/7/2021	Changed as requested.
135	Debbie Berkowitz	RE:[26.60.026.2.C] Wants to add the statement "Avoids alterations of wetlands previously enhanced or created as mitigation." per CAO (22.10.120.2.d)	11/7/2021	We added the statement as suggested.
136	Debbie Berkowitz	RE:[26.60.031.B.7] Should the reference to 26.60.029.B.3 reference 26.60.030 instead?		Changed as suggested.
137	Debbie Berkowitz	RE:[26.60.040.A] wants reference to 22.10.360 to reference 26.60.080 instead.		Changed as suggested.
138	Patrick Paulson	RE:[26.60.040.B] Wants BMP source(s) specified		Comment noted however no changes proposed. See responses to similar questions/comments above.
139	Patrick Paulson	Re-added a modified version of 26.60.042 FWHCA inventory maps, back to the code, so buffer, reporting and performance standards are close together.	11/19/2021	Comment noted and text was added however the section has not been moved but remains after the Fish & wildlife habitat buffer areas section so that more general info is followed by more specific info.
140	Patrick Paulson	RE: [26.60.043] "Moved riparian buffers to different section. The way It was made it seem like buffers were only required for riparian areas, but this	11/7/2021	Comment noted. No changes to format proposed. Language was added to RMC 26.60.042 to

		section is about all buffers required for habitat protection."		clarify which buffers are required.
141	Patrick Paulson & Debbie Berkowitz	26.60.043 (Pgs 118 - 120) Commenters added a modified section titled Fish and Wildlife habitat buffer areas, including a modified Riparian Buffer Width table. This item includes over twenty (20) individual edits.	11/11/21-11/21/21	Comment noted. No changes proposed.
142	Debbie Berkowitz	26.60.044.C.2 (pg 121), suggests adding "monitored species" to habitat conservation area reports	11/7/2021	Added as suggested.
143	Debbie Berkowitz	26.60.044.C.4 (pg 121), suggests cross-referencing Title 22.10.220 (mitigation sequencing)	11/7/2021	Comment noted and a cross reference has been added however, referring to Title 22 is inconsistent with our overall attempt to eliminate cross-references. The section now references RMC 26.20.020.
144	Debbie Berkowitz	26.60.045.J (pg 123) deleted "buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in"	11/21/2021	Revised as suggested.
145	Debbie Berkowitz	26.60.045.K.2. (pg. 124) added "or adjacent to the site"	11/26/2021	Language added as suggested.
146	Debbie Berkowitz	26.60.045.K.6. (pg. 124) replaced "or" with "and"	11/26/2021	Comment noted. The statement has been changed to say, "Supplemental planting of native tree and/or shrub cover; "because it may not always be appropriate to include both.
147	Debbie Berkowitz	26.60.046.A (pg 124) Fish and wildlife habitat conservation are alterations, deleted "to the extent feasible and reasonable".	11/21/2021	Comment noted however, the language was added to match the updated CAO, specifically,

				RMC 22.10.220. No change proposed.
148	Debbie Berkowitz	26.60.046.A (pgs 124 - 125) commenter suggests adding mitigation sequencing verbatim.		The section is remaining as it currently exists, with minor edits.
149	Debbie Berkowitz	26.60.072.C (pg 133) suggests deleting reference to 23.12 (zoning), referencing 22.16 (CAO) instead	11/7/21 & 11/21/21	Removed section. See response to Line 96 above.
150	Debbie Berkowitz	26.60.080.A (pg 134) suggests changing reference to 22.10.080.c.3 to 26.60.021.b.4	11/21/2021	Revised as noted.
151	Debbie Berkowitz	26.60.081.b.1 (pg 135) change "sensitive" to "critical"	11/7/2021	Revised as noted.
152	Debbie Berkowitz	26.60.081.D (pg 139), added sub-section "D. The administrator has the authority to seek expert advice in determining the adequacy of the submitted report, at the applicant's expense." to match CAO (22.10.370.D).	11/7/2021	Added the section as recommended.
153	Debbie Berkowitz	26.60.082 (pg 139) replaced "consultant" with "professional"	11/7/2021	Revised.
154	Debbie Berkowitz	26.60.085 (pg 140) suggests changing "wetland" to "critical area" (x6)	11/7/2021	Revised as suggested.
155	Debbie Berkowitz	26.60.085(G) (pg 141) suggests adding new sub-section (G) "Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge."	11/7/2021	Revised as suggested. There was a note in the edited Word version asking if flood areas should also be included in this caveat. RMC 22.16.030 regulates alterations in flood areas and makes it clear that changes are not allowed without compliance to all applicable rules and regulations.
156	Patrick Paulson	26.80.010 (pg 145) RE: definition of "agricultural activities" commenter asserts "there shouldn't be exceptions in the critical area provisions for	11/19/2021	Comment received.

		agriculture, and there doesn't seem to be any, except for ongoing agriculture"		
157	Debbie Berkowitz	26.80.010 (pg 145) RE: definition of "agricultural activities, existing and ongoing", commenter asks "Doesn't this replace 'agricultural activities' as it did in the CAO? Or is this different in the SMP?"	11/7/2021	The term "agricultural activities" is used in Chapter 26.30 as a general term and the definition is necessary.
158	Debbie Berkowitz	26.80.010 (pg 146) RE: definition of "Best Management Practices" commenter asks "Are ag and existing ag activities included in the BMPs as a land use activity, so this phrase becomes redundant?"	11/19/2021	The phrase has been deleted.
159	Patrick Paulson	26.80.010 (pg 146) RE: definition of "Best Management Practices" commenter states "I think its fine to have this definition here, but specific sources of BMPs should be given in the code. "	11/19/2021	Comment received.
160	Debbie Berkowitz	26.80.010 (pg 150) RE: definition of "Enhancement", commenter suggests "Controlling nonnative/invasive species should include planting natives."	11/26/2021	Language added as noted.
161	Debbie Berkowitz	26.80.010 (pg 155) RE: definition of "low impact land uses, commenter deleted listed examples; stating "Definition is fine, but examples and context should be left to the text so there are no inconsistencies."	11/7/2021	Comment noted. The examples were not deleted from the definition because it provides a more conclusive list than that provided in RMC 26.60.025.F, 26.60.042.F and Table 26.60.024(C). The word "land" was added to these sections where it previously said, "low impact uses".
162	Patrick Paulson	26.80.010 (pg 157) RE: definition of Priority Habitat, commenter added language, stating "ensure that all WDFW PHS habitats are considered Priority Habitat".	11/7/2021	Language added to the definition of "priority habitat".

163	Debbie Berkowitz	26.80.010 (pg 163) RE: definition of "wetland, artificially created", commenter states "This is already included under "Wetland" – so seems unnecessary."	11/7/2021	The definition for "wetland, artificially created" has been in the SMP but was moved to the proposed location per D. Berkowitz's request (05.19.2021). Both definitions have been revised to avoid redundancy.
164	Debbie Berkowitz	26.80.010 (pg 165) RE: definition of "wildlife report", commenter states "FWHCA report is described in the text, not needed as a definition." The commenter suggests deleting this definition.	11/7/2021	The definition has been removed.

	1st round of comments
	2nd round of comments
	Edits made directly into the Word doc.



**MINUTES
PLANNING COMMISSION MEETING
WEDNESDAY, JUNE 9, 2021
VIA ZOOM MEETINGS
6:00 p.m.**

Call to Order:

Chairwoman Maier called the meeting to order at 6:00 p.m. and welcomed attendees.

Attendance:

Present: Chairwoman Maier, Vice-Chair Townsend, Commissioners Mealer, Smith, and Palmer. Planning Manager Stevens, Senior Planner O'Neill Administrative Assistant II Follett were also present.

Approval of Agenda:

Chair Maier asked for a motion to approve the agenda.

COMMISSIONER PALMER MOVED AND COMMISSIONER MEALER SECONDED THE MOTION TO APPROVE THE JUNE 9, 2021 MEETING AGENDA AS WRITTEN. MOTION CARRIED 5-0.

Approval of Minutes:

None included in packet for review and approval.

New Business – Pubic Hearing:

1. Shoreline Master Program Update

Chairwoman Maier introduced the item and recognized Sr. Planner Shane O'Neill to present the staff report. Mr. O'Neill first presented a Power Point explaining the process for the periodic update. He highlighted the purpose of tonight's public hearing and the joint review process with the Department of Ecology. Mr. O'Neill noted the Commission could make a recommendation or take input and hold a closed record hearing at a later date to make a recommendation. Mr. Stevens also provided input outlining the required updates and those items not required for updates.

Chairwoman Maier opened the public hearing at 6:19 p.m. and recognized Patrick Paulson. Mr. Paulson summarized his written comments and highlighted key points from his submitted comments.

Chair Maier recognized Debby Berkowitz. Ms. Berkowitz referred Commissioners to her comments contained in the packet and spoke about the Commission's previous update of the Critical Areas Ordinance and the importance of both regulations providing the same clear guidance.

Chair Maier recognized Chelsea Benner, Department of Ecology Shoreline Planner. Ms. Benner introduced herself and noted her participation was to listen and receive public comment, which she would then respond to at a later date. She asked if Commissioners had any questions for her. There were none.

Chairwoman Maier closed the public hearing at 6:27 p.m. and opened the item for Commission questions. Chair Maier asked Mr. Stevens if there was a time frame the Commission had to meet for making a recommendation. Mr. Stevens clarified that there was no deadline and the Commission could make a motion to postpone action and reconsider at the next meeting if so desired. Chair Maier also asked about the comment matrix referred to in staff's presentation. Mr. O'Neill noted it was inadvertently left out of the packet but is available on the SMP webpage on the City's website. Commissioners asked further questions and discussed information and comments.

VICE-CHAIR TOWNSEND MOVED AND COMMISSIONER MEALER SECONDED THE MOTION TO POSTPONE ACTION ON THE SHORELINE MASTER PROGRAM TO ALLOW CITY AND STATE OFFICIALS TIME TO RESPOND TO WRITTEN AND ORAL COMMENTS RECEIVED ON THE UPDATE. MOTION PASSED 5-0.

Communications:

Mr. Stevens noted there were several upcoming items for Commission consideration.

Adjournment:

Chairwoman Maier adjourned the meeting at 6:35 PM.

PREPARED BY: *Lynne Follett*
Lynne Follett, Administrative Assistant II

REVIEWED BY: *Mike Stevens*
Mike Stevens, Planning Manager

APPROVED BY: *[Signature]*
Francesca Maier, Chairwoman

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

Introduction

This document is intended for use by counties, cities and towns conducting the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

At the beginning: Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

At the end: Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	<i>Amend the SMP:</i> In RMC 26.50.020.B.2 the existing cost threshold is \$6,416 or below. Update the threshold to \$7,047 OR replace with a reference to the applicable state code, to eliminate the need to change the value every five years. (Source: RCW 90.58.030(3)(3) and State Register announcement WRC 17-17-007)	Changes made to 26.50.020.B.2 & 7.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (applies to 9 jurisdictions)	<i>The City does not have any open water disposal sites managed by the Dredge Material Management Program (DMMP) that would be applicable to this program.</i>	No action needed.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	<i>No amendments necessary since these habitats are not found in inland waters of the region.</i>	None needed.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	<i>Amend the SMP:</i> In RMC 26.50.020.B.2 the existing cost threshold is \$6,416 or below. Update the threshold to \$7,047 OR replace with a reference to the applicable state code, to eliminate the need to change the value every five years.	Changes made to 26.50.020.B.2 & 7.

Row	Summary of change	Review	Action
		(Source: RCW 90.58.030(3)(3) and State Register announcement WRC 17-17-007) <i>Additional recommendation:</i> Revise all permit application forms, websites, or other administrative documents to reflect the new cost threshold (note: the city does not need to wait to update the SMP to apply these changes administratively)	
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	<i>Amend the SMP:</i> The definition of “development” found in RMC 26.80.010 should be updated. Keep existing definition but add to it using the example language in the Ecology guidance document: <i>“Development” does not include dismantling or removing structures if there is no other associated development or re-development.</i>”	Change made, see definition of development found in RMC 26.80.010.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	<i>Amend the SMP:</i> While the current SMP includes “shoreline exemptions” in RMC 26.50.020, these are different from Exceptions to local review. Exemptions in RMC 26.50.020 means exempt from a Shoreline Substantial Development Permit but still need to meet the standards in the SMP, whereas some projects do not require any local review at all.	Changes made, see 26.50.020.B (#16 was removed). See also section 26.50.021.

Row	Summary of change	Review	Action
		Per the Ecology suggestions, the City should create a new “Exceptions to Local Review” section within RMC Chapter 26.50. This would include the following three exceptions, as well as potentially other minor actions that do not require local review: • Remedial hazardous substance cleanup actions (1994 law), • Boatyard improvements to meet NPDES requirements (2012 law), and • Certain WSDOT maintenance and safety projects and activities (2015 law). In addition, the City’s exemption #16, Hazardous Substance Remediation, may need to be removed as it would now be covered under the newly created “exceptions to local review” section.	
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	<i>Consider amending the City’s SMP:</i> Permit filing procedures are generally described in RMC 26.50; however, it may be helpful to add example language from Ecology to this chapter so the permit filing process is clear. RMC 26.50.070 references filing procedures from WAC 173-27-130; ecology amendments apply to the city, but local amendments are optional.	No changes proposed.

Row	Summary of change	Review	Action
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	<i>No amendments necessary:</i> These amendments are optional, and this provision simply states that timber cutting does not need an SSDP or exemption. The City of Richland does not have commercial forestry along shorelines and this amendment is not necessary.	No changes proposed.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	<i>Consider amending the City’s SMP:</i> This amendment is optional, and simply clarifies that areas under exclusive federal jurisdiction (such as military bases) are not subject to the City’s SMP. In the City of Richland, there are shoreline lands owned by the Corps of Engineers and leased to the City. The City does not need to list these areas individually, but it is recommended to add the general ecology language in case future issues arise: “Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of chapter 90.58 RCW.”	Change made , see RMC 26.50.021.6.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	<i>Consider amending the City’s SMP:</i>	Change made, see RMC 26.50.160 and definition of non-conforming use or development found in RMC 26.80.010.

Row	Summary of change	Review	Action
		The City of Richland does not appear to have its own tailored provisions for regulating nonconforming uses, lots, or structures specifically within the Shoreline Jurisdiction. The zoning code does briefly mention in RMC 23.66.090 that alteration, repair, or extension of nonconforming uses/structures must be consistent with the master program; however, the SMP (Title 26) should have its own section regarding nonconformities. Additionally, we recommend updating the SMP to include language similar to the template Ecology language for nonconforming structures, uses and lots. Similarly, the definition in RMC 26.80 for “Nonconforming lot, use, structure, or site” should be separated into separate definitions and use the example language from Ecology.	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	<i>Consider amending the City’s SMP:</i> This amendment is not required; however, the City could easily add a sentence to RMC 26.01.040 which describes that a periodic review process is undertaken in certain intervals under requirements of RCW 90.58.080 and WAC 173-2-	Change made, see RMC 26.01.040.

Row	Summary of change	Review	Action
		090, which would be helpful information for all readers.	
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	<i>No Amendment Needed:</i> This amendment is optional as the current SMP does not have any impediments for using the shared local/state public comment period, should the City choose to do so. There are advantages and efficiencies to using the shared comment period, but not all jurisdictions favor this option. The City may consider adding to RMC Title 26 to enable the shared comment period; however, this is not necessary.	No changes proposed.
j.	Submittal to Ecology of proposed SMP amendments.	<i>No Amendment Needed:</i> The existing SMP does not describe the SMP submittal process to Ecology for review, so it does not need to be updated as the City of Richland relies on state rule. This is an amendment to the guidelines that are applicable to the Department of Ecology.	No changes proposed.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	<i>Amend the SMP:</i> An exemption needs to be added to RMC 26.50.020.B to include the following language:	Change made, see RMC 26.50.020.B.17.

Row	Summary of change	Review	Action
		<i>"The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities."</i>	
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	<i>No Amendment Needed:</i> It appears the City updated its Critical Areas Ordinance in 2017, so there are likely no issues, however, the City should review its Critical Area Ordinance once more to ensure there are no conflicts. The current sensitive areas portion of the existing SMP refers to using the most recent version of Ecology's Wetland Rating System for Eastern Washington. Because this amendment is mostly directed toward consistency with changes in the new rating system, the City of Richland does not need to update the SMP for compliance. In addition, the City's SMP refers to the use of "minimization measures" another more recent component of Ecology rules.	No changes proposed.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of	<i>Consider amending the City's SMP:</i> This is optional to add. However, because the City of Richland has state owned highways	No change proposed. City meets this time requirement already.

Row	Summary of change	Review	Action
	Transportation (WSDOT) projects.	within the shoreline jurisdiction, it may make sense to add these provisions to ensure compliance with the 90-day review target. Example Ecology language could be added to RMC Chapter 26.50.	
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	<i>No Amendment Needed:</i> The fair market value is up to date (found in RMC 26.50.020.B.7)	No changes proposed.
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	<i>No Amendment Needed:</i> The City does not have any existing floating on-water residences so no amendment is necessary.	No changes proposed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	<i>No Amendment Needed:</i> The City does not outline an SMP appeal process, so no amendments are necessary. This is in regards to appeal procedures for the SMP itself, not individual permits.	No changes proposed.

Row	Summary of change	Review	Action
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	<i>Consider amending the City's SMP:</i> Per RMC 26.60.025, the SMP currently states that wetlands should be delineated using the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and Arid West Regional Supplement. To eliminate issues arising from future updates to the federal /local manual, consider updating this reference to simply say "Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements."	Change made, see RMC 26.60.024.B.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	<i>No amendments necessary:</i> The City of Richland has no saltwater shorelines and no geoduck aquaculture.	No changes proposed.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	<i>No amendments necessary:</i> The City does not have any existing floating homes, therefore no amendment is necessary.	No changes proposed.
d.	The Legislature authorized a new option to classify existing structures as conforming .	<i>Consider amending the City's SMP:</i>	No changes proposed.

Row	Summary of change	Review	Action
		This is an optional amendment. However, as stated earlier in this checklist (see row “g” of 2017), the City does not currently have robust standards for nonconforming structures in the SMP. In the update, the City should consider opting-in to add language clarifying that existing legally established structures can be considered conforming, even if they do not meet current dimensional standards.	
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	<i>No amendments necessary:</i> The Richland SMP has an effective date (June 2014) after these amendments to the SMP Guidelines were established, and no amendments are necessary.	No changes proposed.
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	<i>No amendments necessary:</i> This has been addressed in a previous update, as the language in RMC 26.50.140 mimics Ecology’s suggested language.	No changes proposed.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	<i>No amendments necessary:</i> The potential use of a mitigation bank to compensate for unavoidable impacts is already enabled in RMC 26.60.028.A	No changes proposed.

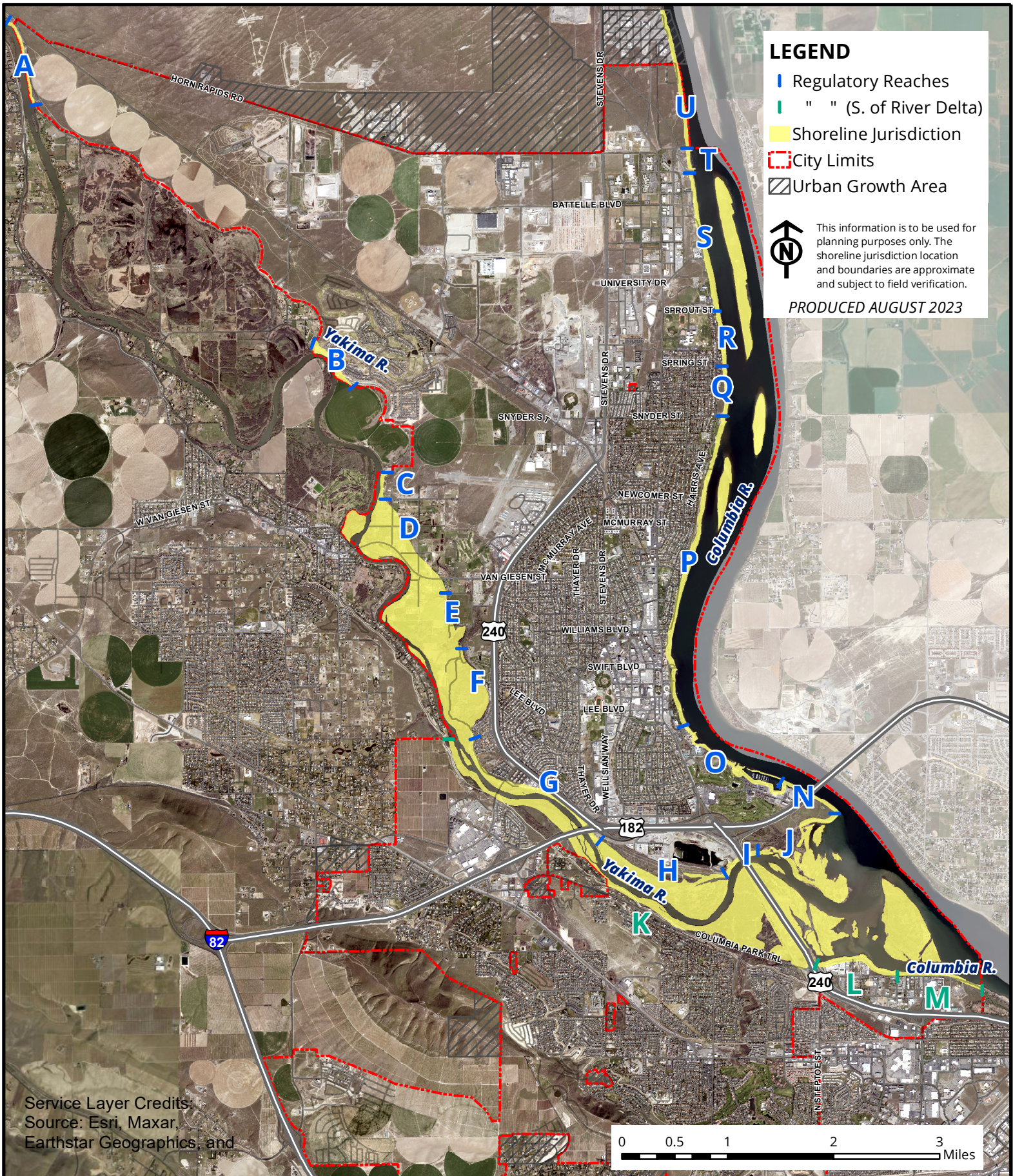
Row	Summary of change	Review	Action
c.	The Legislature added moratoria authority and procedures to the SMA.	<i>Consider amending the City's SMP:</i> This is an optional amendment. The City already addresses Shoreline moratorium in RMC 26.50.150, and simply adopts procedures in RCW 90.58.590. However, per the Ecology guidelines, the City may choose to outline moratorium procedures further, including holding a public hearing, notifying the department of Ecology, and frequency of renewing the moratorium.	No changes proposed.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	<i>Consider amending the City's SMP:</i> The current definition of "Floodway" within RMC 26.80.010 includes both the FEMA maps definition and the floodway criteria set in the SMA. The definition language is not identical to the sample Ecology language but very similar. Ecology has indicated in the past that using both definitions can create internal inconsistency. To avoid this issue, the City may choose the definition it prefers from one of the two options, consistent with the example Ecology language, and strike out the remaining option	No change necessary per Department of Ecology.

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	<i>No amendments necessary:</i> No new streams or lakes have been identified since the last update and do not need to be added to the existing map or list. The map shown on page 36 of the Richland Comprehensive Plan is up to date.	No changes proposed.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	<i>No amendments necessary:</i> Fish habitat enhancement projects are already listed as an exemption in the SMP, per RMC 26.50.020.B.15	No changes proposed.



CITY OF RICHLAND SHORELINE MASTER PROGRAM SHORELINE REGULATORY REACHES

RMC Ch. 26.60 Article III

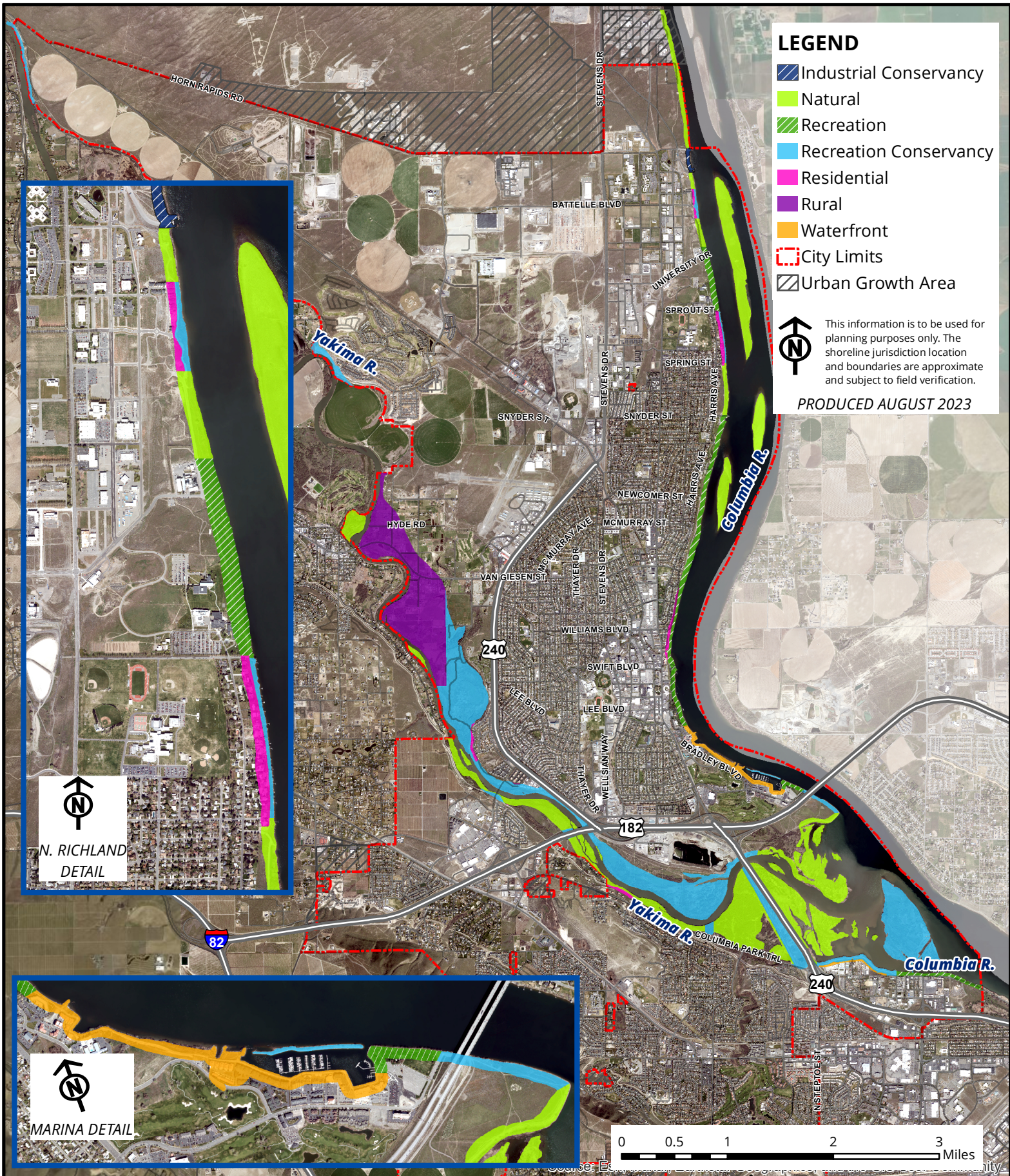




CITY OF RICHLAND

SHORELINE MASTER PROGRAM

SHORELINE ENVIRONMENT DESIGNATIONS



Follows Conditional Case No.: 13-10-1207R



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of Richland Benton County Washington	BRIDGE	1D HYDRAULIC ANALYSIS FLOODWAY UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 535533		
IDENTIFIER	Yakima River Letter of Map Revision (LOMR)	APPROXIMATE LATITUDE & LONGITUDE: 46.264, -119.306 SOURCE: Other DATUM: WGS 84	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM* NO.: 5355330010E DATE: March 1, 1984 TYPE: FIRM NO.: 5355330015E DATE: March 1, 1984 TYPE: FBFM** NO.: 5355330002D DATE: June 18, 1980 TYPE: FBFM NO.: 5355330001 DATE: June 18, 1980		DATE OF EFFECTIVE FLOOD INSURANCE STUDY: December 18, 1979 PROFILE(S): 01P FLOODWAY DATA TABLE: 2	

Enclosures reflect changes to flooding sources affected by this revision.

* FIRM - Flood Insurance Rate Map; ** FBFM - Flood Boundary and Floodway Map

FLOODING SOURCE(S) & REVISED REACH(ES)

Yakima River - From approximately 3,430 feet downstream of Duportail Street to approximately 3,400 feet upstream of Duportail Street

SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Yakima River	BFEs*	BFEs	YES	YES
	Zone A10	Zone A10	YES	YES
	Zone B	Zone B	YES	YES
	Floodway	Floodway	YES	YES

* BFEs – Base (1-percent-annual-chance) Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbitt, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

21-10-0652P

102-I-A-C



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

OTHER COMMUNITIES AFFECTED BY THIS REVISION

CID Number: 530237 **Name:** Unincorporated Areas of Benton County, Washington

AFFECTED MAP PANELS

TYPE: FIRM NO.: 5302370470B DATE: July 19, 1982
TYPE: FBFM NO.: 5302370470 DATE: July 19, 1982

AFFECTED PORTIONS OF THE FLOOD INSURANCE STUDY REPORT

DATE OF EFFECTIVE FLOOD INSURANCE STUDY: July 15, 1994
PROFILE(S): 01P
FLOODWAY DATA TABLE: 2

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbbit".

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Kristen Meyers
Director, Mitigation Division
Federal Emergency Management Agency, Region X
Federal Regional Center
130 228th Street, Southwest
Bothell, WA 98021-8627
(425) 487-4543

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

Please note that the revision area shown within the unincorporated areas of Benton County on the effective FIRM is annexed by the City of Richland. This LOMR does not revise the corporate limits for the City of Richland.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.


Patrick "Rick" F. Sacibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

21-10-0652P

102-I-A-C



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at

https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: *Tri-City Herald*

Dates: September 7, 2022 and September 14, 2022

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

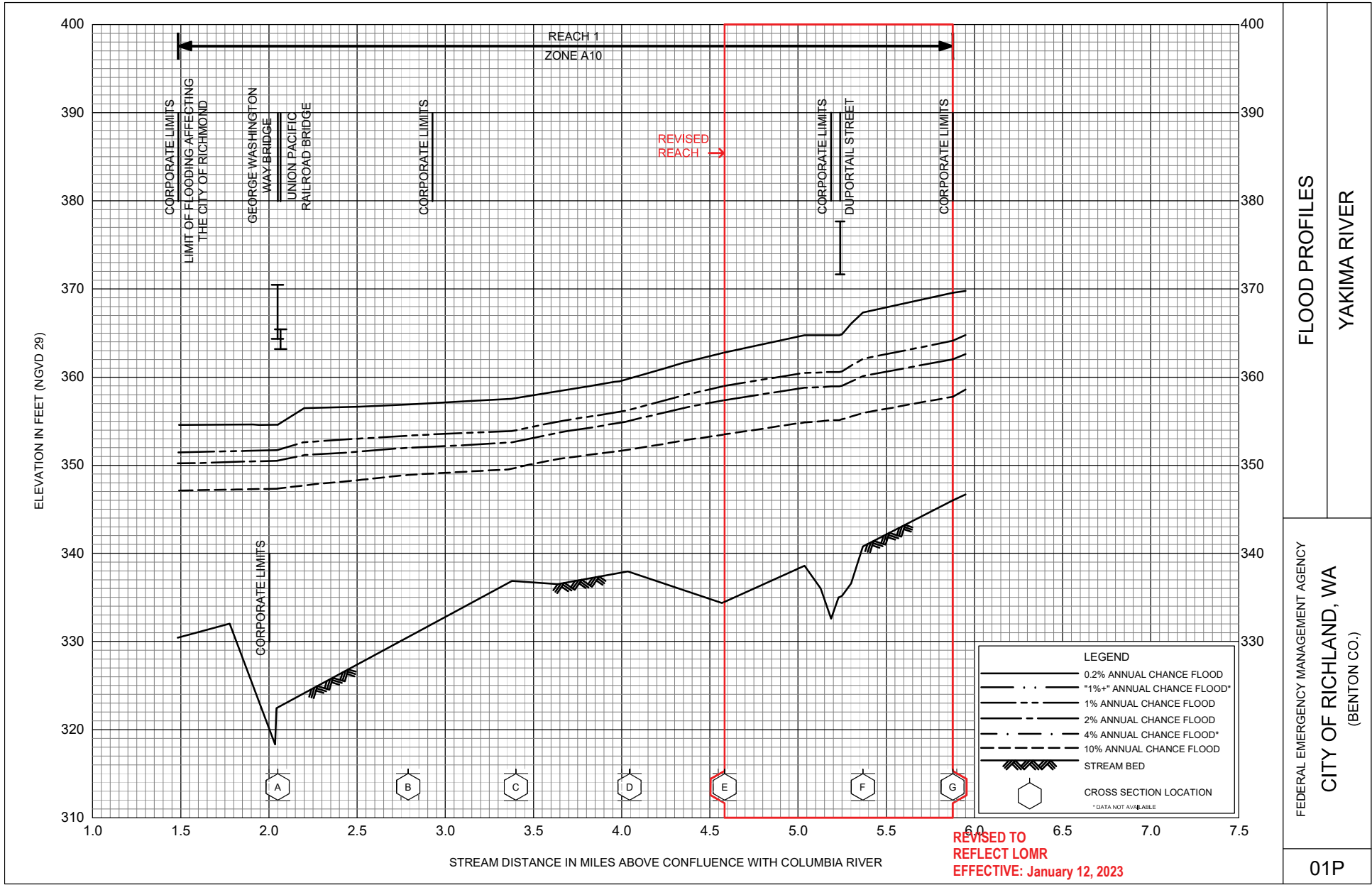
FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER SURFACE ELEVATION (FEET NGVD)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	2.073	576	8,079	6.9	351.7	351.7	351.7	0.0
B	2.793	2,050	21,507	2.6	353.4	353.4	354.2	0.8
C	3.390	1,160/790 ²	9,994	5.6	353.8	353.8	354.8	1.0
D	4.053	730/300 ²	8,366	6.6	356.2	356.2	357.0	0.8
E	4.583	730/270 ²	10,419	5.3	359.0	359.0	359.7	0.7
F	5.367	585	9,368	5.9	362.1	362.1	362.7	0.6
G	5.876	994	14,293	3.9	364.1	364.1	364.7	0.6
H	6.666	2,270/1,980 ²	14,290	3.9	365.8	365.8	366.6	0.8
I	7.083	3,560/3,350 ²	16,115	3.4	366.9	366.9	367.5	0.6
J	8.295	2,810/2,530 ²	14,943	3.7	374.1	374.1	374.6	0.5
						REVISED TO		
						REFLECT LOMR		
						EFFECTIVE: January 12, 2023		
TABLE 2	FEDERAL EMERGENCY MANAGEMENT AGENCY				FLOODWAY DATA			
	CITY OF RICHLAND, MI (BENTON COUNTY)				YAKIMA RIVER			

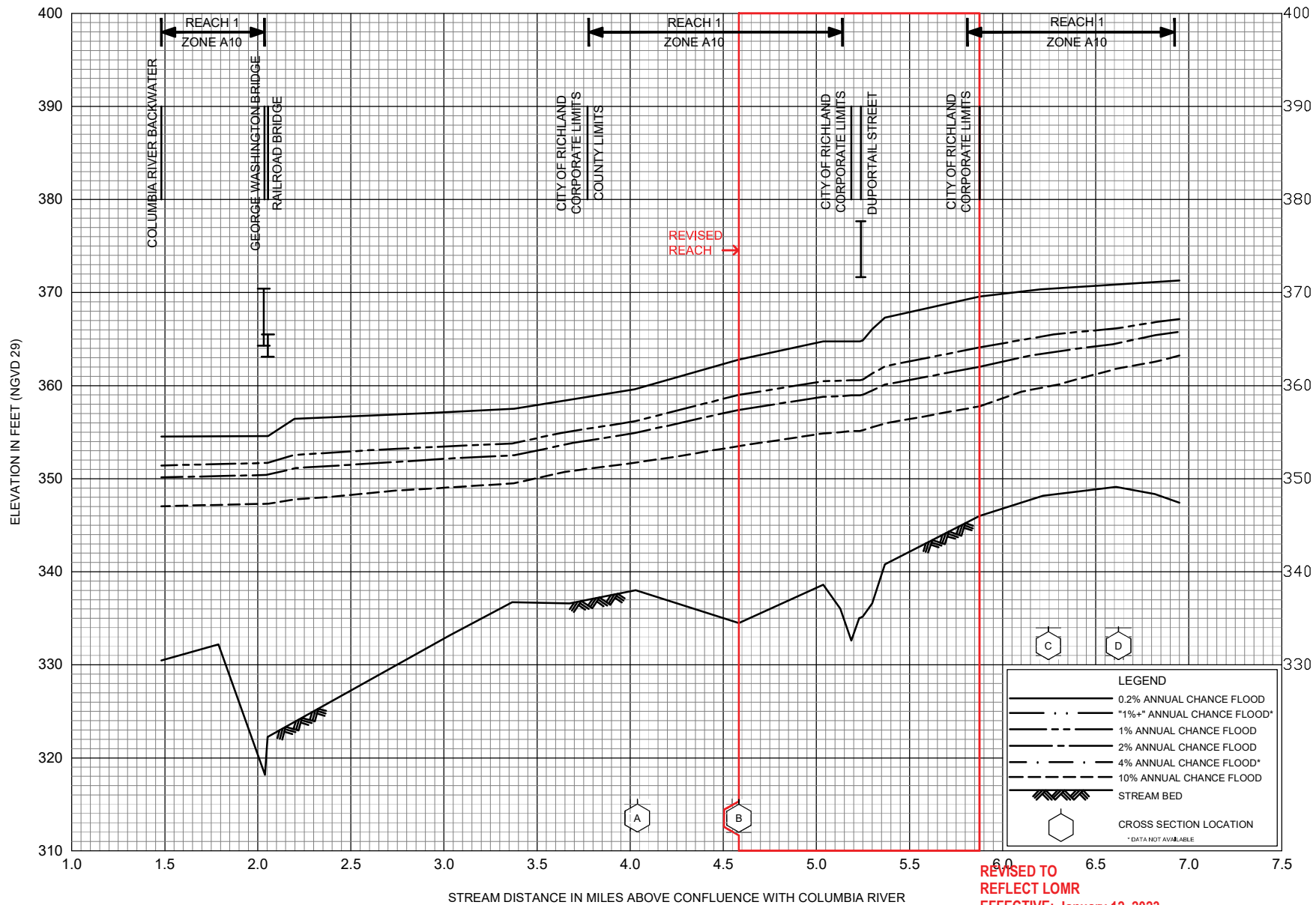
¹ Miles Above Confluence with Columbia River

² Width/Width Within Corporate Limits

Revised Data

FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER SURFACE ELEVATION (FEET NGVD)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
Revised Data								
A	4.053	730/150 ²	8,366	6.6	356.2	356.2	357.0	0.8
B	4.583	730/530 ²	10,419	5.3	359.0	359.0	359.7	0.7
C	6.286	1,720/180 ²	13,612	4.1	365.1	365.1	365.5	0.4
D	6.666	2,270/300 ²	14,290	3.9	365.8	365.8	366.6	0.8
E	7.083	3,560/110 ²	16,115	3.4	366.9	366.9	367.5	0.6
F	9.150	1,870/360 ²	14,729	2.7	376.2	376.2	376.6	0.4
G	9.697	2,521/2,340 ²	19,791	2.0	376.9	376.9	377.3	0.4
H	10.032	2,308	5,951	6.8	376.9	376.9	377.4	0.5
I	10.606	906/800 ²	6,925	5.8	382.5	382.5	383.3	0.8
J	11.086	4,929	24,205	1.7	383.8	383.8	384.8	1.0
K	11.636	5,450	30,511	1.3	384.2	384.2	385.0	0.8
L	11.986	5,510	27,889	2.0	385.2	385.2	385.9	0.7
M	13.287	3,800	18,070	3.1	392.0	392.0	392.4	0.4
N	13.429	3,600	13,470	4.1	392.3	392.3	392.7	0.4
O	14.187	3,520	19,091	2.9	393.9	393.9	394.5	0.6
P	16.015	636	8,530	6.5	409.3	409.3	409.3	0.0
Q	23.130	400/335 ²	4,091	13.6	446.3	446.3	447.1	0.8
R	24.230	530	7,438	7.5	449.4	449.4	450.1	0.7
S	25.120	1,197	9,584	5.8	453.0	453.0	454.0	1.0
T	26.090	462	6,569	8.4	457.1	457.1	457.9	0.8
U	26.960	1,086	8,273	6.7	461.7	461.7	462.6	0.9
V	27.720	1,020	9,866	5.6	464.6	464.6	465.5	0.9
					REVISED TO REFLECT LOMR EFFECTIVE: January 12, 2023			
¹ Miles Above Confluence with Columbia River ² Width/Width Within Corporate Limits								
TABLE 2	FEDERAL EMERGENCY MANAGEMENT AGENCY				FLOODWAY DATA			
	BENTON COUNTY, WA (UNINCORPORATED AREAS)				YAKIMA RIVER			





FLOOD PROFILES YAKIMA RIVER

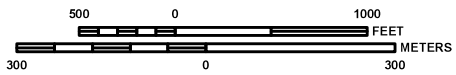
FEDERAL EMERGENCY MANAGEMENT AGENCY
BENTON COUNTY, WA
UNINCORPORATED AREAS

Legend

- 1% annual chance
(100-Year) Floodplain
- 0.2% annual chance
(500-Year) Floodplain



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
RICHLAND,
WASHINGTON
BENTON COUNTY

PANEL 10 OF 15
(SEE MAP INDEX FOR PANELS NOT PRINTED)

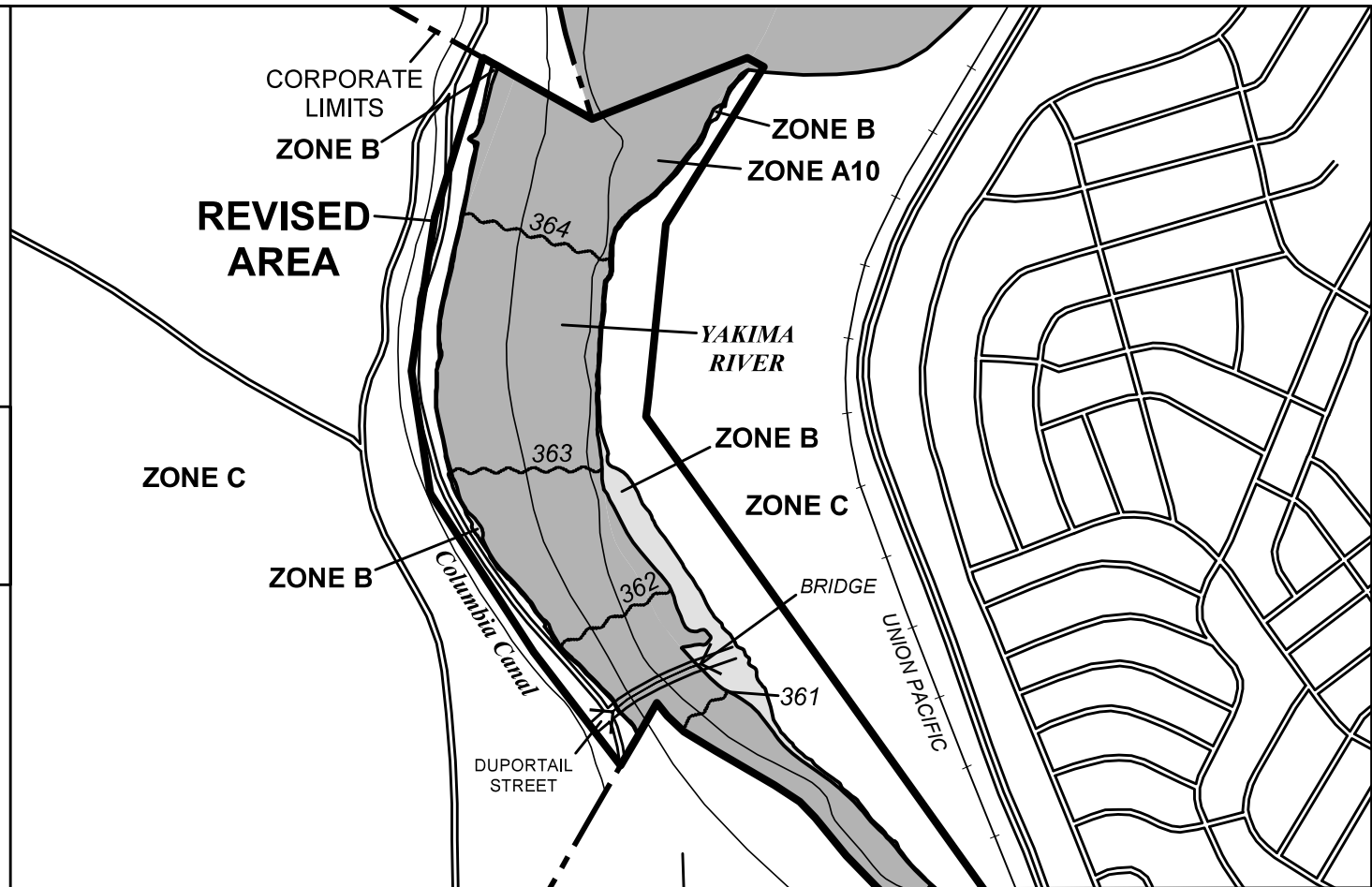
**REVISED TO
REFLECT LOMR
EFFECTIVE:
January 12, 2023**

COMMUNITY-PANEL NUMBER
535533 0010 E

MAP REVISED:
MARCH 1, 1984



Federal Emergency Management Agency



JOINS PANEL 0015

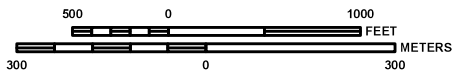
Benton County
(AREA NOT INCLUDED)

Legend

- 1% annual chance
(100-Year) Floodplain
- 0.2% annual chance
(500-Year) Floodplain



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

CITY OF
RICHLAND,
WASHINGTON
BENTON COUNTY

PANEL 15 OF 15
(SEE MAP INDEX FOR PANELS NOT PRINTED)

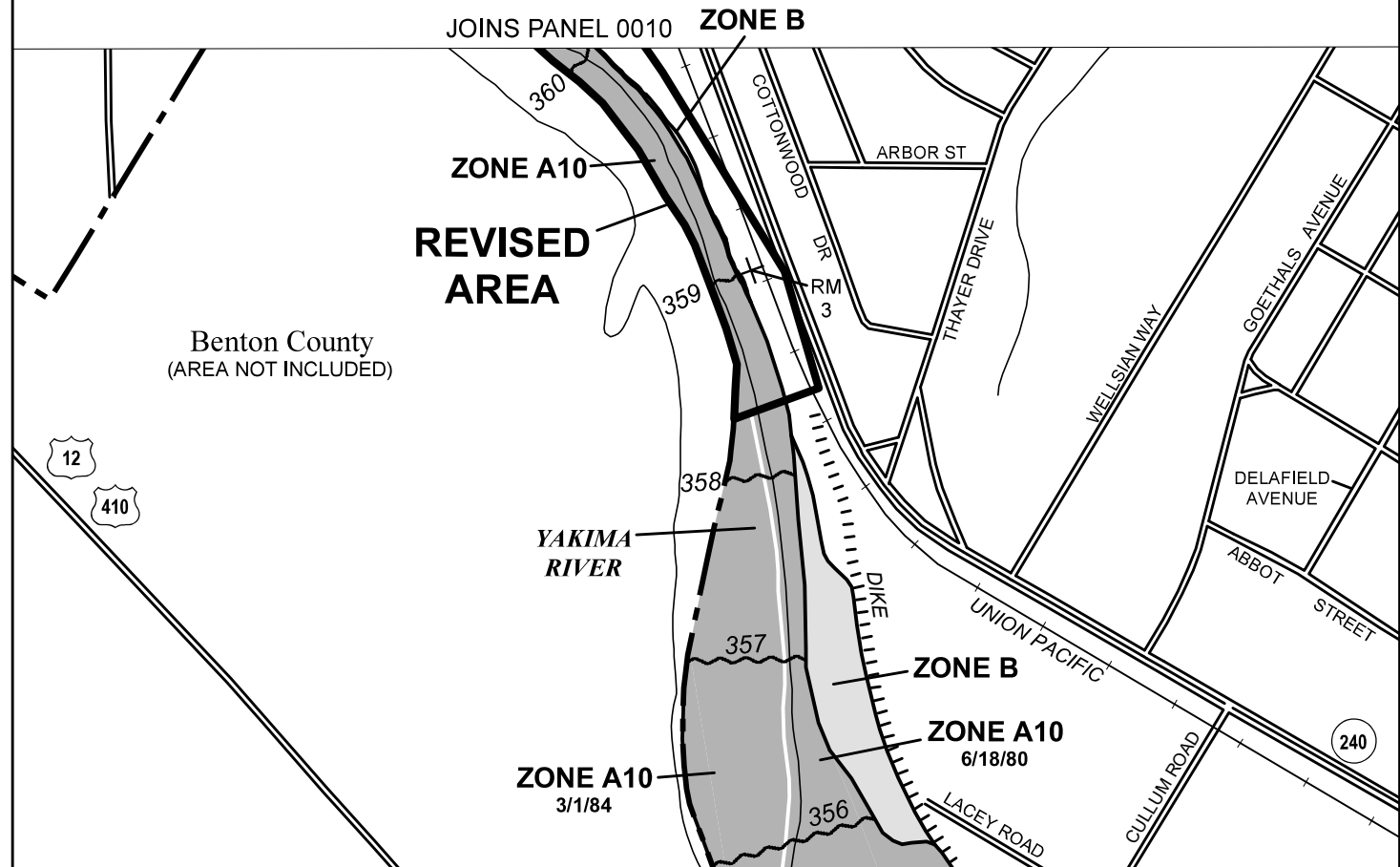
**REVISED TO
REFLECT LOMR
EFFECTIVE:
January 12, 2023**

COMMUNITY-PANEL NUMBER
535533 0015 E

MAP REVISED:
MARCH 1, 1984



Federal Emergency Management Agency

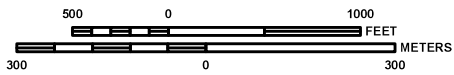


Legend

- 1% annual chance
(100-Year) Floodplain
- 1% annual chance
(100-Year) Floodway
- 0.2% annual chance
(500-Year) Floodplain



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

FLOODWAY FLOOD BOUNDARY AND FLOODWAY MAP

CITY OF
RICHLAND, WASHINGTON
BENTON COUNTY

PANEL 2 OF 2 PRINTED

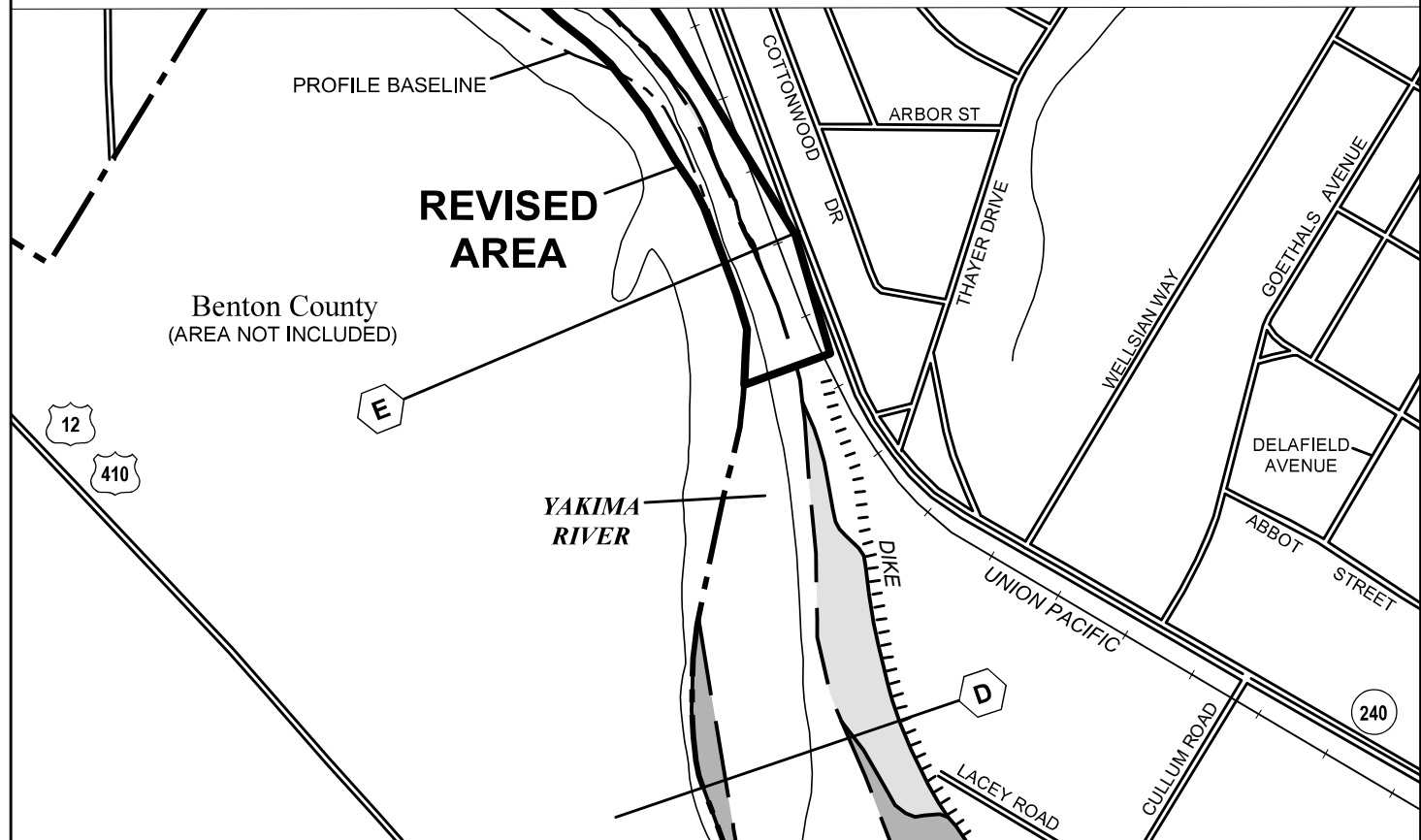
**REVISED TO
REFLECT LOMR
EFFECTIVE:
January 12, 2023**

COMMUNITY-PANEL NUMBER
535533 0002 D

MAP REVISED:
JUNE 18, 1980



U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

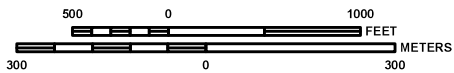


Legend

- 1% annual chance
(100-Year) Floodplain
- 1% annual chance
(100-Year) Floodway
- 0.2% annual chance
(500-Year) Floodplain



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

FLOODWAY

FLOOD BOUNDARY AND
FLOODWAY MAP

CITY OF
RICHLAND, WASHINGTON
BENTON COUNTY

PANEL 1 OF 2 PRINTED

**REVISED TO
REFLECT LOMR
EFFECTIVE:
January 12, 2023**

COMMUNITY-PANEL NUMBER
535533 0001

MAP REVISED:
JUNE 18, 1980



U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

REVISED
AREA

CORPORATE
LIMITS

G

YAKIMA
RIVER

PROFILE
BASELINE

F

BRIDGE

240
UNION PACIFIC

Columbia Canal

DUPORTAIL
STREET

Benton County
(AREA NOT INCLUDED)

City of Richland

AREA NOT INCLUDED

**REVISED
AREA**

361

YAKIMA RIVER

ZONE A10

15

360

359

358

357

356

355

ZONE C

ZONE B

22

3

12

3

VALLEY VIEW ROAD

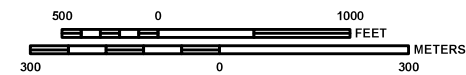
JOINS PANEL 0600

Legend

- 1% annual chance
(100-Year) Floodplain
- 1% annual chance
(100-Year) Floodway
- 0.2% annual chance
(500-Year) Floodplain



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**BENTON COUNTY,
WASHINGTON**
(UNINCORPORATED AREAS)

PANEL 470 OF 1075
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**REVISED TO
REFLECT LOMR
EFFECTIVE:
January 12, 2023**

COMMUNITY-PANEL NUMBER
530237 0470 B

EFFECTIVE DATE:
JULY 19, 1982



Federal Emergency Management Agency

City of Richland

AREA NOT INCLUDED

REVISED
AREA

PROFILE BASELINE

YAKIMA RIVER

VALLEY VIEW ROAD

15

B

22

A

12

3

Legend

- 1% annual chance
(100-Year) Floodplain
- 0.2% annual chance
(500-Year) Floodplain



MAP SCALE 1" = 1000'



NATIONAL FLOOD INSURANCE PROGRAM

FLOODWAY FLOOD BOUNDARY AND FLOODWAY MAP

BENTON COUNTY,
WASHINGTON
(UNINCORPORATED AREAS)

PANEL 470 OF 1075
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**REVISED TO
REFLECT LOMR
EFFECTIVE:
January 12, 2023**

COMMUNITY-PANEL NUMBER
530237 0470

EFFECTIVE DATE:
JULY 19, 1982



Federal Emergency Management Agency

Response Matrix
City of Richland Shoreline Master Program Update

	Commenter	Comment	Comment Date	City Staff Response
1-50	Debbie Berkowitz	Comments 1-50 were submitted 4/18/2021 and on 5/19/2021, the commenter sent a revised set of comments stating, "The comments below are based on the current draft version of the SMP update that was posted online on 5/4/21 (RMCTitle26EditsV7). This is a revision of my original comments (dated 4/18/21) that had been based on the 3/16/21 draft (V5); these revised comments recognize the changes that were made between these two draft versions i.e., the addition of a number of definitions from the CAO and the switch from the term 'sensitive' to 'critical.'"	4/18/2021	The City has responded to comments 1-50 by responding to the comments as they appeared in the 5/19/2021 letter because the commenter revised their comments from 4/18/2021 and resubmitted them.
51	Patrick Paulson	In the latest Draft (also in previous drafts), the Table "26.30.012 Bulk and dimension chart" refers to "Table 26.60.042, Riparian Buffer Width", but that table has been stricken. In addition, the entry for "Riparian Forest" has been stricken from "Table 26.60.024(D) Wetland Buffer Widths". I'm wondering if the intent is that these edits are due to section 26.60.044 (FWHCA Performance standards) item J, which requires that : Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title	5/12/2021	Comment noted. The table has been retained.

		26 and wetland buffer requirements as established in RMC 22.10.110. (That would kind of make sense, since Riparian areas are PHS, and so the FWHCA performance standards would apply) Or is there a different explanation for the missing riparian buffer widths? Thanks, the answer to this question will really help when making comments.		
52	Debbie Berkowitz	For consistency with the CAO and with State nomenclature (and for internal consistency within this SMP update, including in headings), fish or wildlife habitat areas should be changed to fish and wildlife habitat conservation areas, geologic hazard areas to geologically hazardous areas, flood hazard areas to frequently flooded areas, City of Richland to administrator, and qualified consultant to qualified professional throughout as was done in the CAO (currently, both sets of terms in each category are used in the SMP).	5/19/2021	Comment accepted. Nomenclature will be consistently revised.
53	Debbie Berkowitz	P. 82 - 26.60.032. – Unauthorized alterations and enforcement – This clause is applicable to other critical areas, not just wetlands, so should be included in Article VII. General Information (as it is in the CAO, 22.10.435).	5/19/2021	We moved the section to 26.60.085 as suggested.
54	Debbie Berkowitz	P. 83 - 26.60.010 A1. Make this consistent with the CAO (22.10.010A1) by including all the listed benefits of wetlands.	5/19/2021	Revised as suggested.
55	Debbie Berkowitz	P. 84 – 26.60.010 A. Add (4) CARA benefits and (5) Frequent flooding section (from CAO 22.10.010A4 and 5.)	5/19/2021	Revised as suggested.

56	Debbie Berkowitz	P.84 – 26.60.010C. Follow CAO 22.10.010C1. The intent of this chapter is to implement the goals and policies of the city of Richland’s comprehensive plan, in particular those goals and policies that pertain to natural features and environmental protection. [the other goals and policies listed are implemented under the other parts of this document and should be deleted here].	5/19/2021	Comment noted. No Changes proposed at this time.
57	Debbie Berkowitz	P. 85 - 26.60.020 The following activities which occur in conjunction with a development application within a wetland.... [see CAO 22.10.070] (i.e., delete strikeout part since these activities should be regulated whether or not there is a development application)	5/19/2021	Comment noted and language deleted.
58	Debbie Berkowitz	P. 86 - 26.60.020F Add ‘intentional burning’ to the list [see CAO 22.10.070F]	5/19/2021	Revised as suggested.
59	Debbie Berkowitz	P. 86 - 26.60.021A1. This is not an ‘and’ list (‘e. Are not an alkali wetland; and’); it should be an ‘or’ list (‘e. Are not an alkali wetland; or’) – it is not clearly written [‘and’ was not included (after e.) in the CAO, 22.10.080B1]. A better alternative would be to eliminate this exemption as per the following: WDOE guidance for CAO Updates Eastern WA Version (2016), P. 8: “The scientific literature does not support exempting wetlands that are below a certain size. While we recognize an administrative desire to place size thresholds on wetlands that are to be regulated, you need to be aware that it is not possible to conclude from size alone what functions a particular wetland may be providing. Because of the important wildlife functions provided by small wetlands in Eastern Washington, Ecology does not recommend exempting small wetlands from regulation.”	5/19/2021	See response in line 60, below.

60	Debbie Berkowitz	...cont'd... Use this instead – “Small isolated wetlands in arid landscapes often have a higher value and perform greater functions than in other settings. However, in certain circumstances, applying the buffers in Table [26.60.024(D)] may result in buffer areas greater than that of the wetland being protected. In these instances, the City may consult with the Department of Ecology to determine whether exemptions from mitigation sequencing and/or reduced buffers are warranted.”	5/19/2021	Comment noted. We revised as suggested, with a grammatical change.
61	Debbie Berkowitz	P. 87 - 26.60.021B4. Are all agricultural activities automatically allowed without a critical area report or just existing and ongoing agricultural activities? Follow CAO 22.10.080C3. “Agricultural activities that are existing and ongoing; provided, that they implement applicable best management practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Services Field Office Technical Guide; or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts to wetlands from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations and wildlife habitat.”	5/19/2021	Revised as suggested.
62	Debbie Berkowitz	P. 88 - 26.60.022. Add from CAO 22.10.090 “Additional guidance may be obtained from the Department of Ecology publication “Focus on Irrigation Influenced Wetlands” (Publication No. 10-06-015) or as may be amended in the future.”	5/19/2021	Revised as suggested.

63	Debbie Berkowitz	P. 90 - Table 26.60.024(D). Category II High level of function for water quality improvement. Add back in "No additional surface discharges of untreated runoff."	5/19/2021	Revised as suggested.
64	Debbie Berkowitz	P. 90 - Table 26.60.024(D) Category II Add Riparian forest back in and include buffers and other measures from CAO 22.10.110(D) table.	5/19/2021	Revised as suggested.
65	Debbie Berkowitz	P. 92 - 26.60.025C1a. Add 'if all three' [the width of the buffer can be reduced if all three of the following criteria are met] [see CAO 22.10.115C1a]	5/19/2021	Revised as suggested.
66	Debbie Berkowitz	P. 93 - 26.60.025(D). Table column heading should be 'Examples of Activities and Uses that Cause Disturbances. [See CAO 22.10.115(D)]	5/19/2021	Revised as suggested.
67	Debbie Berkowitz	P. 94 - See 'other issues' #6 on next page of this comment letter.	5/19/2021	26.60.057 updated to match 22.10.300 (per Ord 16-21)
68	Debbie Berkowitz	P. 95 - Add the equivalent to 22.10.115H re signs and fencing of wetlands and buffers (e.g., when domestic grazing animals are on site)	5/19/2021	We added section H. Signs and fencing of wetlands and buffers, as it appears in 22.10.115H.
69	Debbie Berkowitz	P. 95 - 26.60.026C2c. This section is redundant with section C2a. Should be replaced by the statement: "c. Avoids alterations of wetlands previously enhanced or created as mitigation." [this is section 22.10.120C2d. in the CAO].	5/19/2021	Comment noted. The section has been revised to eliminate redundancy.
70	Debbie Berkowitz	P. 112 - 26.60.032 Add G (from CAO 22.10.435). 'Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.' [as mentioned in this comments section, item #2, P. 82 26.60.032, it would be preferable to include this whole section under Article VII. General Information as was done in the CAO, 22.10.435, since it is applicable to other critical areas as well].	5/19/2021	We moved 26.60.032 to Article VII, as suggested.

71	Debbie Berkowitz	P. 132 - 26.60.080 Add from CAO 22.10.360 – provided they are conducted using best management practices ‘and minimize and/or mitigate the impacts to critical areas’.	5/19/2021	We revised 26.60.080.
72	Debbie Berkowitz	P. 132 - 26.60.080A. Add (from CAO 22.10.360) ‘and subject to the provisions found in RMC 22.10.080(C)(3)’.	5/19/2021	Revised as suggested however, the reference is to RMC 26.60.021.B.4. rather than the CAO.
73	Debbie Berkowitz	P. 133 - 26.60.080F. Add (from CAO 22.10.360) ‘Retroactive mitigation must occur within the first growing season following completion of the emergency work.’	5/19/2021	Revised as suggested.
74	Debbie Berkowitz	P. 134 - 26.60.081B3c. These items (i.-iv.) should be included on the map as well [as in the CAO 22.10.370B3b vi.-ix.].	5/19/2021	Comment noted. Changed as suggested.
75	Debbie Berkowitz	P.135 - 26.60.081B5. Add (from CAO 22.10.370B5)’a report on FWHCAs shall include the requirements listed in RMC26.60.043’ together with...	5/19/2021	Revised as suggested. <i>*Later changed to reference 26.60.044 which is the correct citation (AHBL, 5/19/2023)</i>
76	Debbie Berkowitz	P. 138 - Add section between 26.60.082 and 26.60.083, equivalent to CAO 22.10.385 Notice on title.	5/19/2021	The section has been added as 26.60.086.
77	Debbie Berkowitz	P. 138 - Include the equivalent of CAO 22.10.435 ‘Unauthorized alterations and enforcement.’ This is needed for FWHCAs; currently, the SMP includes this only for wetlands. As with the CAO, this section could be placed at the end for all critical areas and not included specifically for wetlands.	5/19/2021	The section has been added as 26.60.085.

78	Debbie Berkowitz	P. 122 26.60.044J and P. 37 – 26.30.012. The Riparian Buffer Width table is missing, yet is referred to in the text in the chart on P. 37. Having minimum buffer widths established in the SMP is also referenced in the CAO (section 22.10.210). CAO section 22.10.210 (and SMP section 26.60.044J) state that “Riparian corridors shall also meet the minimum requirements as established in RMC Title 26.” It is very important to have minimum riparian buffer width requirements as provided in original Table 26.60.042 for different shoreline environmental designations (even though as shoreline designations, they are not included in the CAO). In section 26.60.044J, the riparian buffer widths should also take into account the Best Available Science from WDFW (2020 Riparian Ecosystems Vol 1 and Vol 2, which discuss aquatic system functions; and 1997 Management Recommendations for Washington’s Priority Habitats: Riparian, which discusses terrestrial habitat functions).	5/19/2021	Comment noted. The table has been retained. A change to the buffer widths is beyond the scope of this periodic update.
79	Debbie Berkowitz	P. 64-65 – 26.50.012D. How is the city tracking and periodically evaluating the cumulative effects of all project review actions in shoreline areas? What about non-project actions and exempt actions?	5/19/2021	Thank you for your question. Project review and permit administration is regulated by RMC Chapter 26.50.
80	Debbie Berkowitz	P. 67 – 26.50.020B7. Is noncommercial dock construction controlled by the Corps (since it’s below OHWM)?	5/19/2021	The SMP provides regulations for noncommercial docks such as in section 26.20.090.
81	Debbie Berkowitz	P. 70-71 – 26.50.025A, B, D. If there is no Substantial Development Permit, how do the City and the community track cumulative effects of these activities since these regulations apply whether or not a substantial development permit or other type of city approval is sought [26.60.012]?	5/19/2021	Project review and permit administration is regulated by RMC Chapter 26.50. Please note, we changed the word "certificate" to "permit"; and "letter" changed to "permit".

82	Debbie Berkowitz	5. P. 94 26.60.025F. ...normal and routine maintenance of existing utility easements providing that the maintenance and repair does not increase the footprint or use of the facility or right-of-way. (Add underlined portion, from WDOE 1606002)	5/19/2021	Revised as suggested.
83	Debbie Berkowitz	P. 128 – Article V. Since the CARA section of the CAO is currently being updated to comply with DOH guidance, shouldn't the CARA section of the SMP also be updated?	5/19/2021	We updated section 26.60.057 to match 22.10.300 (per Ord 16-21).
84	Debbie Berkowitz	General. Vegetation along the shoreline has been cut back in City-owned/leased areas and private areas with little or no replanting of native plants in a number of instances since (and before) the last SMP update. There has been little mitigation or consequences to those who cut the vegetation. Enforcement is an issue along the shoreline, especially in FWHCA buffer zones. For example, the City is supposed to 'control invasive weeds and replace existing invasive species with native or compatible species that perform ecological functions similar to native species. Native species are preferred in underdeveloped areas of the shoreline.' (26.20.040 A and B and F) The SMP update should provide a more robust enforcement capability with an educational component that stresses the importance of the riparian and associated upland environment for water quality and for fish and wildlife. What can the City do to improve enforcement and education?	5/19/2021	Comment noted. The proposed change to the SMP you describe is beyond the scope of the periodic update.
85	Debbie Berkowitz	P. 95 - 26.60.026C2a. this section through RMC 26.60.030 (not 26.60.028 Mitigation standards...). [see 22.10.120C2a]	5/19/2021	Revised as noted.

86	Debbie Berkowitz	P. 102 - 26.60.028C1. reference section in SMP (not CAO)	5/19/2021	We made the change as noted.
87	Debbie Berkowitz	P. 107 - 26.60.029B4. reference section in SMP (not CAO)	5/19/2021	Revised as noted.
88	Debbie Berkowitz	P. 108 - 26.60.030A15. add 'qualified' professional	5/19/2021	Revised as noted.
89	Debbie Berkowitz	P. 111 - 26.60.031B7. reference section in SMP (not CAO)	5/19/2021	We changed the reference to 26.60.029.B.3. <i>*Later changed to reference 26.60.030 which is the correct citation (AHBL, 5/19/2023)</i>
90	Debbie Berkowitz	P. 122 - 26.60.044J reference section in SMP, i.e., 26.60.024(D) (not CAO)	5/19/2021	Revised as noted.
91	Debbie Berkowitz	P. 123 - 26.60.045B. reference section in SMP (not CAO).	5/19/2021	Revised as suggested.
92	Debbie Berkowitz	P. 132 - 26.60.072C CMZs aren't mentioned in Chap. 23.12. This needs to reference RMC 22.16	5/19/2021	We removed section C.
93	Debbie Berkowitz	Definitions: • Artificially created wetland and Associated jurisdictional wetland – in SMP, move to Wetland, artificially created, etc. [easier to find if use the main term in the phrase]	5/19/2021	Revised as suggested.
94	Debbie Berkowitz	• Buffers B. add 'wildlife friendly' fences	5/19/2021	We added signs and fencing of wetland buffers as in 22.10.115H.
95	Debbie Berkowitz	• Creation – 3rd line, change 'Establishment' to 'Creation'	5/19/2021	Changed 'Establishment' to 'Creation'.
96	Debbie Berkowitz	• Critical habitat or critical wildlife habitat – eliminate, redundant with FWHCA definition and text.	5/19/2021	Revised as suggested.

97	Debbie Berkowitz	• Enhancement – add ‘ and replacing with native species’ (i.e.,... ‘removing nonindigenous or noxious species and replacing with native species’]	5/19/2021	Revised as suggested.
98	Debbie Berkowitz	• Existing and ongoing agricultural activities – move to ‘Agricultural activities, existing and ongoing’ [easier to find if use the main term in the phrase]	5/19/2021	Revised as suggested.
99	Debbie Berkowitz	• Floodway – use definition from RMC 22.16 – Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (not more than one foot).	5/19/2021	Revised as suggested.
100	Debbie Berkowitz	• Habitat maps – eliminate (term isn’t used)	5/19/2021	Revised as suggested.
101	Debbie Berkowitz	• High impact and low impact land uses – definition ok, but examples and context should be left to the text so there are no inconsistencies	5/19/2021	Revised as suggested.
102	Debbie Berkowitz	• Priority habitat – last paragraph Add ‘shrub steppe habitat’ (as in CAO) – i.e., A priority habitat may be described by a unique vegetation type..... (such as oak woodlands or eelgrass meadows or shrub steppe habitat).	5/19/2021	Comment noted and this is already proposed.
103	Debbie Berkowitz	• Priority species – eliminate [already covered under priority habitats and species definition and, therefore, not in CAO]	5/19/2021	Revised as suggested.
104	Debbie Berkowitz	• Qualified consultant – remove from SMP; use qualified professional instead and incorporate missing parts of CAO definition	5/19/2021	We replaced CARA (C) with the definition from the CAO.
105	Debbie Berkowitz	• Regulated activity – use CAO definition instead of SMP definition (i.e., not restricted to wetlands)	5/19/2021	We replaced with the definition from the CAO.
106	Debbie Berkowitz	• Secondary habitat – remove from SMP, term not used	5/19/2021	We removed the term.

107	Debbie Berkowitz	• Sensitive areas – already changed to critical areas – move to correct alphabetical location.	5/19/2021	Revised as suggested.
108	Debbie Berkowitz	• Site – add CAO definition	5/19/2021	Comment noted and no change proposed. There are many uses of the word “site” in situations that are not specific to having an impact on a critical area.
109	Debbie Berkowitz	• Wetland class – eliminate (term isn’t used)	5/19/2021	Revised as suggested.
110	Debbie Berkowitz	• Wetland delineation – use CAO definition	5/19/2021	Revised as suggested.
111	Debbie Berkowitz	• Wetland determination – change ‘consultant’ to ‘professional’	5/19/2021	Revised as suggested.
112	Debbie Berkowitz	• Wetlands or wetland area – eliminate (redundant with ‘Wetland or Wetlands’ definition)	5/19/2021	Revised as suggested.
113	Debbie Berkowitz	• Wildlife habitat – remove from SMP, change terminology to wildlife habitat conservation area	5/19/2021	Both definitions are necessary because the term ‘wildlife habitat’ is used throughout the chapter when referring to general wildlife habitat. No change proposed.
114	Debbie Berkowitz	• Wildlife report – remove from SMP, change terminology to FWHCA report (not needed as a definition)	5/19/2021	Definition deleted and the one instance where ‘wildlife report’ used has been changed.
115	Patrick Paulson, Laurie Ness	The SMP should be clear about where riparian buffers are required and the minimum width of those buffers. To simply say “riparian areas will be protected according to Best Available Science (BAS)” gives developers, planners, and the public no idea of what buffer width requirements might be because they won’t be able to determine what the BAS is or how to interpret it. Unless buffer requirements are explicit, the Department of	5/24/2021	Table 26.60.042. Riparian Buffer Width provides the required widths of habitat/riparian buffers in the various shoreline environments.

		Ecology will be unable to determine if the SMP meets their requirements for protection of ecological functions.		
116	Patrick Paulson, Laurie Ness	We want to ensure that within the shoreline jurisdiction riparian areas are always protected. With the current language, riparian zones are protected since they must maintain the functions and values of any 'waters of the state' they are associated with, and waters of the state are FWHCA. Riparian zones are also protected because • Riparian zones are PHS (WDFW 2008, pp. 267-268), • PHS is FWHCA, and • FWHCA is protected as required by BAS. But these inferences are not clear and may be subject to future revisions of WDFW's PHS list and management recommendations.	5/24/2021	Thank you for your comments. We have made a few revisions to clarify the intent of this section of the SMP. However, a change to the buffer widths is beyond the scope of this periodic update. The following changes are proposed: • Table 26.60.042 refers to a map that the City adopted as a part of the SMP. The map is currently titled, "Regulatory Reaches" and as you pointed out, this does not match the table. The title of the map will be updated to match the reference in the table mentioned above which should reduce an element of confusion on the matter. • We have revised section 26.60.042 to better explain riparian and other buffers. • These areas will typically be subject to other required buffers such as those required for wetlands and for those required for specific uses in RMC 26.30.012.

117	Patrick Paulson, Laurie Ness	1.1 Riparian Zone Protection Text Pull the riparian buffer requirements into a separate section so they can be referenced from multiple locations in the code: 26.60.045 Protection of Riparian Zones J. A. Riparian zones shall be protected with buffers. Buffer width Width of riparian corridors shall be in accordance with buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 in Table XX and wetland buffer requirements as established in RMC 22.10.110;. (Need to change the numbering of the following section ...) 26.60.0456 Fish and wildlife habitat conservation area alteration. For the riparian buffer table we've used values for the width of the Riparian Management Zone given by current WDFW recommendations. We've removed the exception for roads, canals, etc.; maintenance of existing infrastructure is already exempt from these regulations. However, the area within the riparian buffer width, but upland of any infrastructure, should be protected since not all functions and values of the riparian zone will be affected by the infrastructure (e.g., some terrestrial species can still cross a road or path at night). There is no current direct connection between the environment designations from the previous riparian buffer table to the current environment designations, so we don't know whether different values should be specified for other environment designations, what those values should be, or how	5/24/2021	See responses to comment #116. Also, section 26.60.045 Fish and wildlife habitat conservation area – Performance standards, provides protection for these areas.
-----	---------------------------------	--	-----------	--

		the City can ensure that no loss of ecological function occurs in reaches with these environment designations....		
118	Patrick Paulson, Laurie Ness	(...cont'd...)Table XX. Minimum Riparian Buffer Widths Environment Designation Stream Type[3] Riparian Buffer Width (Feet)[1 and 2] Natural All Entire shoreline jurisdiction Recreation and Recreation Conservancy All Type 'S' and Type 'F' wider than 5 ft Entire shoreline jurisdiction All others 150 Rural?, Residential?, Waterfront Use?, Industrial Conservancy?, Aquatic NA (1) Measured from the OHWM or top of bank, as applicable (2) Accompanied by other critical area provisions and stormwater management measures, as applicable. (3) Waters of the state are Type S; Fish bearing streams are Type F.	5/24/2021	A change to the buffer widths is beyond the scope of this periodic update.

119	Patrick Paulson, Laurie Ness	1.2 Update references to protection for Riparian Zones Update sections that require riparian buffers. Paragraph J of “26.60.044 Fish and wildlife habitat conservation area – Performance standards” should now read: J. Width of riparian corridors shall be in accordance with RMC 20.60.045A. buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in RMC 22.10.110;	5/24/2021	See Line 144 below. We simplified RMC 26.60.045.J so that it refers to the section that explains riparian buffers.
119	Patrick Paulson, Laurie Ness	...Cont’d...Update the entry for “Critical Area Buffer Non-Water-Dependent Use” in “Table 26.30.012 Bulk and dimension chart.” It currently only provides buffers for wetlands and riparian areas; it does not provide buffers to protect other types of FWHCA such as Shrub-steppe or areas associated with Endangered, Threatened or Sensitive Species. Remove the reference to the Riparian buffer table, since the text “applicable riparian buffer” already specifies the buffer meets the requirements of Chapter 26.60. Also remove the other reference to the Riparian buffer table and rely on the text ‘applicable riparian buffer’ to ensure buffer requirements are met. Critical Area Buffer Non-Water-Dependent Use Buffers and other protective measures as required by RMC Chapter 26.60. As provided by Table	5/24/2021	We revised the table so that individual buffer tables are not referenced. The reference now says, “Subject to applicable requirements in Chapter 26.60.”

		26.60.024(D), Wetland Buffer Widths, Table 26.60.042, Riparian Buffer Width		
119	Patrick Paulson, Laurie Ness	...cont'd... Minimum Building Setback Non-Water-Dependent Use NA2 15 feet (except for residential, which is 25 feet) from the edge of the applicable riparian buffer, or 15 feet (except for residential, which is 25 feet) from the landward edge of a roadway, canal, levee, paved trail or parking area, as applicable, as provided in Table 26.60.0422	5/24/2021	We revised the table to include a general reference to Chapter 26.60 instead of the riparian buffer table.
120	Patrick Paulson, Laurie Ness	1.3 Protect Riparian Zones within Wetlands Protect riparian zones within wetlands by adding the following row to “Table 26.60.024(D) Wetland Buffer Widths”: Riparian Zones within wetlands Riparian zone buffers as required by RMC Chapter 26.60. This ensures adequate protection for riparian areas within wetlands where the required wetland buffer is insufficient to protect riparian functions.	5/24/2021	Comment noted and no changes proposed. RMC 26.60.015 says, “In the event of any conflict between these regulations and any other regulations of the city of Richland, the regulations which provide greater protection to environmentally critical areas shall apply.
121	Patrick Paulson, Laurie Ness	Revise the definition of “Priority Habitat” from 26.80. This same definition also occurs in Richland’s CAO. The definition should be revised in both since it may cause confusion with Priority Habitats identified on WDFW’s PHS list. The following revision is meant to ensure that all WDFW PHS habitats are considered Priority Habitat: “Priority habitat” means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must either be a habitat included on WDFW’s Priority Habitat and species list or have one or more of the	5/24/2021	• Language added to the definition of “priority habitat”. • Definitions of RMZ and SPTH are not needed since the terms are not used in the text. • The definition of “sensitive area” was changed to “critical area” and moved to its alphabetically correct location.

		following attributes: ... The draft version of 26.80 is missing definitions for “Riparian Management Zone (RMZ)” and “Site Potential Tree Height (SPTH)” that are given in the CAO (But we note these phrases don’t occur in the text, so the definitions might not be needed). The definition of “Critical Area” (formerly “Sensitive Area”) needs to be moved so the definition list remains alphabetical.		
122	Myra Weihermiller	Please provide more public parking on the river side of George Washington Way near Howard Amon park. The current parking is very limited, especially so when there are events in the park. Please consider the vacant building and lot north of Sterlings.		Comment noted.
123	Debbie Berkowitz	RE:[26.30.011] Permitting Boat Mooring Facilities in all SMP environments (except Natural) -"This doesn't specify size of boat mooring facilities. Recreation conservancy designated areas should be limited in boat mooring facilities, as should rural, residential, and some recreation areas, e.g., in wetland areas."	11/26/2021	The use table in 26.30.011 was updated to reflect where boat mooring facilities are allowed in certain waterfront zoning districts in Title 23 Zoning Regulations. It is not necessary to specify in the table the number of boats allowed at moorage facilities because the size of boat mooring facilities is regulated by other code sections such as in 26.20.090 Boat and vessel facilities. Further, the definition of “Marina” in Chapter 26.80 specifies that boat moorage facilities that serve 5 or more

				vessels are considered marinas and “Marinas” are listed separately from “boat moorage” in the use table and are only permitted in 2 environments.
124	Patrick Paulson	RE:[26.20.040.E] Cite specific sources of BMP's (for pesticide application).	11/19/2021	Comment noted however no changes proposed. The SMP contains a detailed definition of “Best management practices (BMPs)” which explains that BMPs are industry standards and practices that evolve. We believe that in most cases, it is prudent to refer to BMPs in a general sense and rely on the most current data and research available rather than have the code refer to a specific source that may be outdated or superseded.
125	Patrick Paulson	RE:[26.30.012] deleted "As provided by Table 26.60.024.D, Wetland Buffer Widths, Table 26.60.042, Riparian Buffer"	11/21/2021	Revised.
126	Patrick Paulson	RE:[26.30.012] deleted "the applicable riparian buffer", wants language to be more expansive so all buffers are considered	11/7/2021	Revised to reflect a broader range of regulations.
127	Patrick Paulson	RE:[26.30.012] Minimum Building Setback Non-Water-Dependent Use: deleted "area, as applicable, as provided in Table 26.60.042".	11/21/2021	We kept the word “area” to refer to a parking area but removed the other text, as suggested.
128	Patrick Paulson	RE:[23.30.020.C] wants BMP's specified as in CAO/SMP	11/19/2021	Revised as suggested.
129	Patrick Paulson	RE:[26.30.080.F] wants BMP's specified	11/19/2021	Comment noted however no changes proposed. A general

				reference to BMPs will ensure that the most current data, research, and regulations will be consulted to minimize the potential for contamination of surface water and ground water resources. For instance, the City could expect an applicant to refer to any of the following: • Washington Pesticide Control Act (15.58 RCW), • the Washington Pesticide Application Act (17.21 RCW), • the General Pesticide Rules (WAC 16-228), • the Worker Protection Standard (WAC 16-233), and • a number of pesticide and/or county specific regulations.
130	Debbie Berkowitz	RE:[26.60.020 - Wetlands] wants listed activities regulated regardless of a development application; language stricken	11/7/2021 & 11/21/2021	Comment noted and language deleted.
131	Patrick Paulson	RE:[26.60.021] Asks, can we reference BMP's in other places so compliance w/BMP's can be evaluated?	11/19/2021	Question noted however no changes proposed. See responses to similar questions/comments.
132	Patrick Paulson	RE:[26.60.024] "We'd like text somewhere that ensures that buffers are evaluated separately for wetlands and FWHCA. For example, if a wetland contains a protective(ed?) species, and the species requires a larger buffer than required for the wetland, the larger buffer should be used. Not sure	11/7/2021	Comment noted and no changes proposed. RMC 26.60.015 says, "In the event of any conflict between these regulations and any other regulations of the city of

		how to make that general in a way that will be easily understood."		Richland, the regulations which provide greater protection to environmentally critical areas shall apply.
133	Patrick Paulson	RE:[26.60.024.D - Wetland Buffer Widths] "Want some way to state that the wetland buffer won't necessarily be enough if other critical areas occur in the same area."	11/7/2021	Comment noted and no changes proposed. RMC 26.60.015 contains a statement that critical areas may be subject to other regulations in the code.
134	Debbie Berkowitz	RE:[26.60.025.F] Added "pervious" to qualify low-impact trails	11/7/2021	Changed as requested.
135	Debbie Berkowitz	RE:[26.60.026.2.C] Wants to add the statement "Avoids alterations of wetlands previously enhanced or created as mitigation." per CAO (22.10.120.2.d)	11/7/2021	We added the statement as suggested.
136	Debbie Berkowitz	RE:[26.60.031.B.7] Should the reference to 26.60.029.B.3 reference 26.60.030 instead?		Changed as suggested.
137	Debbie Berkowitz	RE:[26.60.040.A] wants reference to 22.10.360 to reference 26.60.080 instead.		Changed as suggested.
138	Patrick Paulson	RE:[26.60.040.B] Wants BMP source(s) specified		Comment noted however no changes proposed. See responses to similar questions/comments above.
139	Patrick Paulson	Re-added a modified version of 26.60.042 FWHCA inventory maps, back to the code, so buffer, reporting and performance standards are close together.	11/19/2021	Comment noted and text was added however the section has not been moved but remains after the Fish & wildlife habitat buffer areas section so that more general info is followed by more specific info.
140	Patrick Paulson	RE: [26.60.043] "Moved riparian buffers to different section. The way It was made it seem like buffers were only required for riparian areas, but this	11/7/2021	Comment noted. No changes to format proposed. Language was added to RMC 26.60.042 to

		section is about all buffers required for habitat protection."		clarify which buffers are required.
141	Patrick Paulson & Debbie Berkowitz	26.60.043 (Pgs 118 - 120) Commenters added a modified section titled Fish and Wildlife habitat buffer areas, including a modified Riparian Buffer Width table. This item includes over twenty (20) individual edits.	11/11/21-11/21/21	Comment noted. No changes proposed.
142	Debbie Berkowitz	26.60.044.C.2 (pg 121), suggests adding "monitored species" to habitat conservation area reports	11/7/2021	Added as suggested.
143	Debbie Berkowitz	26.60.044.C.4 (pg 121), suggests cross-referencing Title 22.10.220 (mitigation sequencing)	11/7/2021	Comment noted and a cross reference has been added however, referring to Title 22 is inconsistent with our overall attempt to eliminate cross-references. The section now references RMC 26.20.020.
144	Debbie Berkowitz	26.60.045.J (pg 123) deleted "buffer widths suggested by BAS, including WDFW publication Riparian Ecosystems, Volume 2: Management Recommendations, May 2018, or as revised. Riparian corridors shall also meet the minimum requirements as established in RMC Title 26 and wetland buffer requirements as established in"	11/21/2021	Revised as suggested.
145	Debbie Berkowitz	26.60.045.K.2. (pg. 124) added "or adjacent to the site"	11/26/2021	Language added as suggested.
146	Debbie Berkowitz	26.60.045.K.6. (pg. 124) replaced "or" with "and"	11/26/2021	Comment noted. The statement has been changed to say, "Supplemental planting of native tree and/or shrub cover; "because it may not always be appropriate to include both.
147	Debbie Berkowitz	26.60.046.A (pg 124) Fish and wildlife habitat conservation are alterations, deleted "to the extent feasible and reasonable".	11/21/2021	Comment noted however, the language was added to match the updated CAO, specifically,

				RMC 22.10.220. No change proposed.
148	Debbie Berkowitz	26.60.046.A (pgs 124 - 125) commenter suggests adding mitigation sequencing verbatim.		The section is remaining as it currently exists, with minor edits.
149	Debbie Berkowitz	26.60.072.C (pg 133) suggests deleting reference to 23.12 (zoning), referencing 22.16 (CAO) instead	11/7/21 & 11/21/21	Removed section. See response to Line 96 above.
150	Debbie Berkowitz	26.60.080.A (pg 134) suggests changing reference to 22.10.080.c.3 to 26.60.021.b.4	11/21/2021	Revised as noted.
151	Debbie Berkowitz	26.60.081.b.1 (pg 135) change "sensitive" to "critical"	11/7/2021	Revised as noted.
152	Debbie Berkowitz	26.60.081.D (pg 139), added sub-section "D. The administrator has the authority to seek expert advice in determining the adequacy of the submitted report, at the applicant's expense." to match CAO (22.10.370.D).	11/7/2021	Added the section as recommended.
153	Debbie Berkowitz	26.60.082 (pg 139) replaced "consultant" with "professional"	11/7/2021	Revised.
154	Debbie Berkowitz	26.60.085 (pg 140) suggests changing "wetland" to "critical area" (x6)	11/7/2021	Revised as suggested.
155	Debbie Berkowitz	26.60.085(G) (pg 141) suggests adding new sub-section (G) "Illegal modifications. Wetland rating categories and/or fish and wildlife habitat conservation area boundaries shall not change due to illegal modifications made by the applicant or with the applicant's knowledge."	11/7/2021	Revised as suggested. There was a note in the edited Word version asking if flood areas should also be included in this caveat. RMC 22.16.030 regulates alterations in flood areas and makes it clear that changes are not allowed without compliance to all applicable rules and regulations.
156	Patrick Paulson	26.80.010 (pg 145) RE: definition of "agricultural activities" commenter asserts "there shouldn't be exceptions in the critical area provisions for	11/19/2021	Comment received.

		agriculture, and there doesn't seem to be any, except for ongoing agriculture"		
157	Debbie Berkowitz	26.80.010 (pg 145) RE: definition of "agricultural activities, existing and ongoing", commenter asks "Doesn't this replace 'agricultural activities' as it did in the CAO? Or is this different in the SMP?"	11/7/2021	The term "agricultural activities" is used in Chapter 26.30 as a general term and the definition is necessary.
158	Debbie Berkowitz	26.80.010 (pg 146) RE: definition of "Best Management Practices" commenter asks "Are ag and existing ag activities included in the BMPs as a land use activity, so this phrase becomes redundant?"	11/19/2021	The phrase has been deleted.
159	Patrick Paulson	26.80.010 (pg 146) RE: definition of "Best Management Practices" commenter states "I think its fine to have this definition here, but specific sources of BMPs should be given in the code. "	11/19/2021	Comment received.
160	Debbie Berkowitz	26.80.010 (pg 150) RE: definition of "Enhancement", commenter suggests "Controlling nonnative/invasive species should include planting natives."	11/26/2021	Language added as noted.
161	Debbie Berkowitz	26.80.010 (pg 155) RE: definition of "low impact land uses, commenter deleted listed examples; stating "Definition is fine, but examples and context should be left to the text so there are no inconsistencies."	11/7/2021	Comment noted. The examples were not deleted from the definition because it provides a more conclusive list than that provided in RMC 26.60.025.F, 26.60.042.F and Table 26.60.024(C). The word "land" was added to these sections where it previously said, "low impact uses".
162	Patrick Paulson	26.80.010 (pg 157) RE: definition of Priority Habitat, commenter added language, stating "ensure that all WDFW PHS habitats are considered Priority Habitat".	11/7/2021	Language added to the definition of "priority habitat".

163	Debbie Berkowitz	26.80.010 (pg 163) RE: definition of "wetland, artificially created", commenter states "This is already included under "Wetland" – so seems unnecessary."	11/7/2021	The definition for "wetland, artificially created" has been in the SMP but was moved to the proposed location per D. Berkowitz's request (05.19.2021). Both definitions have been revised to avoid redundancy.
164	Debbie Berkowitz	26.80.010 (pg 165) RE: definition of "wildlife report", commenter states "FWHCA report is described in the text, not needed as a definition." The commenter suggests deleting this definition.	11/7/2021	The definition has been removed.
165	Tom Fisher	As the property owner of 2595 Duportail St, I wanted to express my support for the changes outlined in figure 3 of the Staff Report for the October 25, 2023 meeting.	10/10/2023	Comment noted.
166	Debbie Berkowitz	Section 22.10.210J in the CAO makes a statement that riparian corridors must be determined by BAS which includes a WDFW document. Commenter requests that the statement be added back into 26.60.042.B to follow the guidelines in effect from WDFW and to assure consistency with the CAO. Commenter clarified (in comment #144 above) that they proposed deleting the statement and requested it also be added back in to 26.60.045.J.	10/25/2023 (letter and public comment during Planning Comm. Public hearing)	The Planning Commission recommended adding the text back in to Section 26.60.042.B as proposed. 26.60.045.J refers to 26.60.042 for widths of riparian corridors.
167	Debbie Berkowitz	Table 26.60.042 needs to be revised to make it consistent with the WDFW guidance, establishing minimum riparian buffer widths. Commenter provided a revised table and then a revised version of that (10/26/2023).	10/25/2023 and 10/26/2023 (letters and public comment during Planning Comm. Public hearing)	The Planning Commission recommended the proposed revisions to the table and the revisions have been incorporated with the exception of Reach B. We recommend moving Reach B to the next line down (as shown in the draft) because it is designated as

				Recreation Conservancy. Staff also recommends adding footnote 4 for clarity.
168	Debbie Berkowitz	Re: Bird Friendly buildings. In RMC 26.20.020, staff proposed eliminating a statement regarding bird friendly buildings. Commenter suggested rewording rather than eliminating to say the City encourages bird-friendly design, etc.	10/25/2023 (letter and public comment during Planning Comm. Public hearing)	The Planning Commission recommended changing the text as proposed except to replace the word “encourage” with “recommends”. The change has been made per the recommendation.
169	Debbie Berkowitz	26.60.042D2 (P. 119). Please add “and” – i.e., “(by removing invasive plants or impervious surface <u>and</u> planting native vegetation <u>and</u> installing habitat features or other means).”	10/25/2023	The Planning Commission recommended changing the text as proposed.
170	Debbie Berkowitz	26.60.042F (P. 120). Stormwater management facilities should not be placed in a riparian buffer unless there is no alternative. Such stormwater facilities should not include grass-lined swales in a riparian buffer, but should use native vegetation instead.	10/25/2023	The Planning Commission recommended changing the text as proposed. Stormwater facilities were removed from the list of examples.
171	Debbie Berkowitz	26.60.072C. The CMZ section was removed. The term is an important part of the shoreline and I think the regulation in the CAO should at least be referenced (or maybe copied).	10/25/2023 (letter and public comment during Planning Comm. Public hearing)	The CMZ section that was proposed to be removed referred to the CMZ as a use and included redundant information previously provided in the same section. The Planning Commission does not recommend retaining the text that was proposed to be deleted.
172	Debbie Berkowitz	26.50.050B (P. 73). Add a semicolon after ‘approval.’	10/25/2023	The Planning Commission recommended changing the text as proposed.

173	Debbie Berkowitz	26.60.010 (P. 84) #1. Add either 'e.g.' or 'i.e.' after 'providing important wildlife habitat.'	10/25/2023	The Planning Commission recommended changing the text as proposed.
174	Debbie Berkowitz	26.60.044 (P. 122). Add 'fish and wildlife' to section heading.	10/25/2023	The Planning Commission recommended changing the text as proposed.
175	Patrick Paulson and Laurie Ness	Including the Riparian Buffer Width Table, Table 26.60.042, will cause confusion and none of the buffer widths in the table meet the WDFW standards that are referenced in the City's CAO. Commenter suggests removing the table and copying the language from the CAO.	10/20/2023 (letter and P. Paulson commented at the Planning Comm. Public Hearing)	The language from the CAO has been added to 26.60.042.B. During the public hearing, the commenter agreed the table may remain if it is revised per D. Berkowitz's suggestions but without any exceptions.

	1st round of comments
	2nd round of comments
	Edits made directly into the Word doc.
	Planning Commission Public Hearing comments