



Agenda
Planning Commission Meeting
Wednesday, July 26, 2017
City Hall Council Chamber | 505 Swift Boulevard

Commission Members: Chair Wallner, Vice-Chair Madsen and Commissioners Mealer, Wise, Palmer, Boring, and Berkowitz

Liaisons: Council Liaison Lemley and Alternate Council Liaison Luzzo Gilmour
Staff Liaison Development Services Manager Simon

Regular Meeting - 7:00 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

April 26, 2017 Special Workshop Minutes

May 24, 2017 Meeting Minutes

July 12, 2017 Workshop Minutes

Public Comments:

Public Hearing Explanation:

New Business :

- I. Public Hearing for 2018 Community Development Block Grant (CDBG)/HOME funds.
 - Michelle Burden, Block Grant Coordinator
2. Z2017-104 - Text Amendment to the C-3 General Commercial District
 - Rick Simon, Development Services Manager

Communications:

Adjournment

Special Workshop 7:30 p.m.:

Agenda Items::

- I. Information regarding Critical Areas Ordinance Update
 - Rick Simon, Development Services Manager

Adjournment:

The next Planning Commission Workshop is August 9, 2017

The next Planning Commission Meeting is August 30, 2017

This Meeting is broadcast live on CityView Channel 192 and online at CI.RICHLAND.WA.US/CITYVIEW

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PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 07/26/2017

Agenda Category: Approval of Minutes

Prepared By: Rick Simon, Development Services Manager

Subject:

April 26, 2017 Special Workshop Minutes

Request:

Key I - Financial Stability & Operational Effectiveness

Recommended Motion:

Approve the minutes of the Planning Commission Special Workshop held on April 26, 2017.

Summary:

Attachments:

1. April 26, 2017 Special Workshop Minutes



MINUTES
PLANNING COMMISSION SPECIAL WORKSHOP
City Hall – 550 Swift Boulevard – Council Chamber
WEDNESDAY, April 26, 2017
7:30 PM

Call to Order:

Chair Wallner called the meeting to order at 7:35 p.m.

Attendance:

Present: Chair Wallner, Vice-Chair Madsen, Commissioners, Mealer, Boring, Palmer, Berkowitz, and Wise. Also present were Council Liaison Dori Luzzo-Gilmour, and Development Services Manager Rick Simon.

Business:

Comprehensive Plan Draft Review

The Commission met with Consultants Ferdouse Oneza and Ben Floyd, who are working with the City to update the Comprehensive Plan. The Commission reviewed the draft Plan and discussed issues including, homelessness, open space, tiny houses, design goals, sustainable standards, complete streets and bike friendly communities.

Adjournment:

Chairman Wallner adjourned the meeting at 8:40 p.m.

PREPARED BY: Lynne Follett, Executive Assistant

REVIEWED BY: _____
Rick Simon, Secretary
Richland Planning Commission



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 07/26/2017

Agenda Category: Approval of Minutes

Prepared By: Rick Simon, Development Services Manager

Subject:

May 24, 2017 Meeting Minutes

Request:

Recommended Motion:

Approve the minutes of the Planning Commission meeting held on May 24, 2017.

Summary:

Attachments:

1. May 24, 2017 Meeting Minutes



MINUTES
PLANNING COMMISSION MEETING
City Hall – 550 Swift Boulevard – Council Chamber
WEDNESDAY, May 24, 2017
7:00 PM

Call to Order:

Chair Wallner called the meeting to order at 7:00 p.m.

Attendance:

Present: Chair Wallner, Vice-Chair Madsen, Commissioners, Mealer, Boring, Berkowitz, Palmer and Wise. Also present were Council Liaison Phil Lemley, Community & Development Services Director Kerwin Jensen and Block Grant Coordinator Michelle Burden.

Approval of Agenda:

Chair Wallner presented the meeting agenda for approval.

COMMISSIONER BERKOWITZ MOVED AND COMMISSIONER PALMER SECONDED THE MOTION TO APPROVE THE MAY 24, 2017 MEETING AGENDA AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

Approval of Minutes:

Chair Wallner presented the meeting minutes of the May 10, 2017 Special meeting for approval.

VICE CHAIR MADSEN MOVED AND COMMISSIONER BORING SECONDED THE MOTION TO APPROVE THE MINUTES OF THE WEDNESDAY, MAY 10, 2017 SPECIAL MEETING. MOTION CARRIED UNANIMOUSLY.

Public Comment

Chairman Wallner opened the public comment period at 7:02 p.m. Having no one come forward for comment, **Chairman Wallner** closed the public comment period at 7:03 p.m.

Business Item

1. Update on CDBG Wye Park fence replacement and Columbia Playfield playground resurfacing.

Chairman Wallner asked staff to provide background. Block Grant Coordinator Michelle

Burden introduced Parks & Public Facilities Capital Projects Manager Phil Pinard to provide background and information on the request to move funding from one project to another. Once Mr. Pinard outlined the reason for the request **Chairman Wallner** opened the floor for discussion.

Commissioner Palmer asked if there was a deadline to spend the money. Mr. Pinard and Mrs. Burden both confirmed that the money had to be spent by October 2017.

Vice Chair Madsen questioned the extent of excavation and why monitoring was needed.

COMMISSIONER BORING MOVED AND COMMISSIONER BERKOWITZ SECONDED THE MOTION TO RECOMMEND APPROVAL OF THE FUNDING CHANGE TO THE 2017 COMMUNITY BLOCK GRANT AWARDS. MOTION PASSED UNANIMOUSLY.

New Business – Public Hearing:

1. 2018-2023 Six-year Transportation Improvement Program

Chairman Wallner asked staff to present information related to the TIP. Transportation and Development Manager Jeff Peters reviewed the plan information. He also noted an added project for 2018, George Washington Way pavement preservation project that would repave from Guyer Street to Horn Rapids Road if the grant application is successful.

After the public hearing explanation was read, Chairman Wallner opened the public hearing at 7:17 p.m. Having no one come forward for comment, Chairman Wallner closed the public hearing at 7:17 p.m. and opened the floor to Commission questions and discussion.

Commissioner Wise asked about the Bellerive extension project related to Rachel Road and the final alignment. Mr. Peters clarified that Bellerive is separate from Rachel Road and will likely be completed in 2017 and therefore removed from the TIP before final approval.

Commissioner Boring asked if there were any changes to the George Washington Way pavement improvement project. Mr. Peters confirmed that was the only change other than a few administrative date or numbering changes.

Commissioner Berkowitz expressed her appreciation for the changes related to the Rachel Road alignment. She also asked about the plans for a bike path along the Queensgate extension. Mr. Peters explained the process and timing for when the bike path would be constructed based on future development.

Commissioner Berkowitz expressed comments related to the south George Washington Way modification and her desire to see Complete Streets adopted along the Swift corridor. Mr. Peters informed the Commission that Complete Streets has been workshopped with the City Council but the City was not successful this year for a grant to fund that project.

Vice Chair Madsen asked Mr. Peters about the timing for the Queensgate roundabout project. Mr. Peters confirmed that construction would likely start in the fall and be completed before the end of the year.

COMMISSIONER BORING MOTIONED AND VICE CHAIR MADSEN SECONDED A MOTION TO RECOMMEND TO COUNCIL TO APPROVE THE 2018-2023 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM. MOTION CARRIED UNANIMOUSLY.

Unfinished Business – Public Hearing:

1. Consideration of the Comprehensive Plan Update

Mr. Jensen informed the Commission that the Plan is in the 60 day agency comment period and it would be advantageous for the Commission to postpone any recommendation until after the comment period.

Commissioners Boring and Wise agreed that there were still questions to be answered and thought the Commission should wait to make any recommendations.

COMMISSIONER BORING MOVED AND COMMISSIONER WISE SECONDED THE MOTION TO POSTONE ANY RECOMMENDATION ON THE COMPREHENSIVE PLAN UNTIL THE COMMISSION HAS AN ADDITIONAL WORKSHOP AND RECEIVES ALL THE COMMENTS FROM VARIOUS STATE DEPARTMENTS. MOTION CARRIED UNANIMOUSLY.

2. Consideration of Amendments to the City's Critical Areas Ordinance

Chairman Wallner announced to the Commission that based on conversation with staff this item was not ready for consideration and would be moved to a future meeting.

COMMISSIONER BORING MOTIONED AND VICE CHAIR MADSEN SECONDED A MOTION TO POSTPONE ANY RECOMMENDATION REGARDING THE CITY'S CRITICAL AREAS ORDINANCE UNTIL AFTER THE COMMENT PERIOD HAS EXPIRED. MOTION CARRIED UNANIMOUSLY.

Communications:

Commissioner Wise wished everyone a wonderful Memorial Day weekend.

Adjournment:

Chairman Wallner adjourned the meeting at 7:37p.m.

PREPARED BY: Lynne Follett, Executive Assistant

REVIEWED BY: _____

Rick Simon, Secretary Richland Planning Commission



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 07/26/2017

Agenda Category: Approval of Minutes

Prepared By: Rick Simon, Development Services Manager

Subject:

July 12, 2017 Workshop Minutes

Request:

Recommended Motion:

Approve the minutes of the Planning Commission workshop held on July 12, 2017.

Summary:

Attachments:

1. July 12, 2017 PC Workshop Minutes



**MINUTES
PLANNING COMMISSION WORKSHOP**

City Manager Conference Room, 975 George Washington Way

WEDNESDAY, July 12, 2017

7:00 PM

Call to Order:

Chair Wallner called the meeting to order at 7:00 p.m.

Attendance:

Present: Chair Wallner, Vice-Chair Madsen, Commissioners, Mealer, Boring, Palmer, Berkowitz, and Wise. Also present were Council Liaison Dori Luzzo-Gilmour, and Community Development Director Kerwin Jensen.

Business:

Discussion of proposed new Urban Recreation Zone

Commission members discussed the proposed zoning language and uses.

Commissioners also offered suggestions to improve the language.

Discussion of Comprehensive Plan map updates

Commissioners reviewed the updated maps and provided staff with comments to pass along to the consultant and other staff working on the update. Commissioners

commented on the pros and cons of the Natural Open Space designations like the DNR proposal.

Information regarding Critical Areas Ordinance Update

After reviewing the Critical Areas Ordinance, Commissioners had several questions for Development Services Manager Rick Simon who was not in attendance. It was decided to table the discussion until the next meeting when Mr. Simon would be available

Adjournment:

Chairman Wallner adjourned the meeting at 8:50 p.m.

PREPARED BY: Lynne Follett, Executive Assistant

REVIEWED BY: _____
Rick Simon, Secretary
Richland Planning Commission



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 07/26/2017

Agenda Category: New Business

Prepared By: Michelle Burden, Block Grant Coordinator

Subject:

Public Hearing for 2018 Community Development Block Grant (CDBG)/HOME funds.

Request:

Recommended Motion:

Summary:

The purpose of the Public Hearing for 2018 CDBG/HOME funds is to allow for public comment on housing and community needs.

Attachments:



PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 07/26/2017

Agenda Category: New Business

Prepared By: Rick Simon, Development Services Manager

Subject:

Z2017-104 - Text Amendment to the C-3 General Commercial District

Request:

Key 3 - Economic Vitality

Recommended Motion:

Staff recommends the Planning Commission take action to recommend approval of the proposed amendment to Section 23.22.010(D) of the Richland Municipal Code to allow for C-3 General Commercial zoning to be applied to areas that are designated as "industrial" under the comprehensive plan and in close proximity to SR 240.

Summary:

The attached staff report describes a proposed amendment to the zoning code that would allow for the possibility of C-3 General Commercial zoning to be applied in areas that are designated as "industrial" under the comprehensive plan.

Attachments:

1. Staff Report
2. Comparison of C-3 & M-1 Zones
3. Comprehensive Plan & Zoning Maps

STAFF REPORT

TO: PLANNING COMMISSION
FILE NO.: Z2017-104

PREPARED BY: RICK SIMON
MEETING DATE: JULY 26, 2017

GENERAL INFORMATION:

APPLICANT: CITY OF RICHLAND

REQUEST: TEXT AMENDMENTS TO SECTION 23.22.010 CONCERNING
AREAS DESIGNATED FOR C-3 GENERAL COMMERCIAL USES

LOCATION: CITYWIDE

REASON FOR REQUEST:

The City markets properties it owns in North Richland that are near State Route 240 that are designated for industrial uses under the comprehensive plan. The ability to designate some of these properties as general commercial would provide additional flexibility and encourage economic development along this corridor.

FINDINGS AND CONCLUSIONS

Staff has drafted text amendments to Section 23.22.010(D) of the Richland Municipal Code and submits that:

1. Under the City's existing comprehensive plan, land uses along the SR 240 corridor are designated as suitable for Industrial land uses;
2. Under its existing code, the City applies I-M Medium Industrial or M-2 Heavy Manufacturing zoning to properties that carry the industrial land use designation;
3. Land uses permitted within the I-M Medium Industrial and C-3 General Commercial zones are very similar in nature, with both zones allowing a variety of office, storage, light manufacturing and commercial uses. The C-3 district allows for a wider range of commercial uses and the I-M district allows for a wider range of manufacturing uses;
4. Parcels located along the SR 240 corridor, within and adjacent to the Horn Rapids Business Center enjoy good visibility from the highway and are attractive for commercial business purposes;

5. Being able to zone some of these properties for general commercial use along the SR 240 corridor would encourage economic development within the North Richland area;
6. Based upon the above findings and conclusions, the adoption of the proposed amendments to Section 23.22.010(D) of the Richland Municipal Code allowing General Commercial zoning in some locations within the Industrial land use designation is in the best interest of the community of Richland.

RECOMMENDATION

Staff recommends the Planning Commission concur with the findings and conclusions set forth in Staff Report (Z2017-104) and recommend to the City Council adoption of the proposed code amendments to RMC Sections 23.22.010(D).

ATTACHMENTS

- A. Supplemental Information
- B. Comparison of C-3 and M-1 Land Uses
- C. Existing Comprehensive Plan Land Use Map – North Richland
- D. Existing Zoning Map – North Richland

SUPPLEMENTAL INFORMATION

EXISTING CODE

The current City code provides that the C-3 zoning district may be applied to some of the areas mapped as “commercial” on our comprehensive plan. It states:

- E. The general business use district (C-3) is a zone classification providing a use district for commercial establishments which require a retail contact with the public together with incidental shop work, storage and warehousing, or light manufacturing and extensive outdoor storage and display, and those retail businesses satisfying the essential permitted use criteria of the C-2 use district. This zoning classification is intended to be applied to some portions of the city that are designated commercial under the city of Richland comprehensive plan.*

PROPOSED CODE CHANGES

The proposed code change would read as follows:

- D. The general business use district (C-3) is a zone classification providing a use district for commercial establishments which require a retail contact with the public together with incidental shop work, storage and warehousing, or light manufacturing and extensive outdoor storage and display, and those retail businesses satisfying the essential permitted use criteria of the C-2 use district. This zoning classification is intended to be applied to some portions of the city that are either designated as commercial or designated as industrial and are located in close proximity to SR 240 under the city of Richland comprehensive plan.*

ANALYSIS

The effect of the proposed code amendment would be to allow for some properties located along the SR 240 corridor in North Richland that are designated as “Industrial” under the City’s comprehensive plan to be zoned as C-3 General Commercial. Lands typically designated as “industrial” are generally zoned M-1 Medium Industrial. The rationale for this change is based on the uses permitted within these two districts. A comparison of the list of uses in these two zones reveals that they are very similar. The attached table provides a direct comparison. While the industrial zone allows for a broader range of industrial uses, the commercial zone allows for both light industrial uses as well as a wide range of commercial uses.

Within the Horn Rapids Business Park, located along the north side of SR 240, the City has marketed smaller parcels to small businesses. Large parcels of 40 acres and larger are made available north of the Business Park and uses such as Preferred Freezer Storage, Washington Corn Processors and Ferguson Enterprises have located in this area. The nature of the development occurring within the Horn Rapids Business Park includes a variety of office, storage and even some retail uses. The likelihood of manufacturing uses on these smaller parcels is somewhat limited. The visibility of these properties from SR 240 makes some commercial uses more attractive and hence C-3 commercial zoning would be desirable for these properties.

One possible example of the City's C-3 zoning providing for a use that would not be possible under the I-M zone is a winery. A wine production facility is permitted in the I-M zone, but a tasting room is not, while both uses are allowed in the C-3 zone.

SUMMARY

The proposed code amendments would provide land owners within the Horn Rapids Business Park and lands adjacent to SR 240 the opportunity to develop under C-3 General Commercial zoning, which would provide greater flexibility and lead to greater economic activity.

COMPARISON OF GENERAL COMMERCIAL (C-3) AND MEDIUM INDUSTRIAL (I-M) USES

P = Permitted Use

S = Special Use

A = Accessory Use

Blank = Not Permitted

Land Use	I-M	C-3
Automotive, Marine and Heavy Equipment Uses		
Automotive Repair – Major	P	P
Automotive Repair – Minor	P	P
Automotive Repair – Specialty Shop	P	P
Automobile Service Station	P	P
Auto Part Sales		P
Boat Building	P	P
Bottling Plants	P	P
Car Wash – Automatic or Self-Service	P ²	P
Equipment Rentals	P	P
Farm Equipment and Supplies Sales	P	P
Gas/Fuel Station/Mini Mart	P	P
Heavy Equipment Sales and Repair	P	P
Manufactured Home Sales		P
Marine Repair	P	P
Towing, Vehicle Impound Lots	P ³	S
Truck Rentals	P	P
Truck Stop – Diesel Fuel Sales	P	P
Truck Terminal	P	P
Vehicle Leasing/Renting		P
Vehicle Sales	P	P
Warehousing, Wholesale Use	P	P
Business and Personal Services		

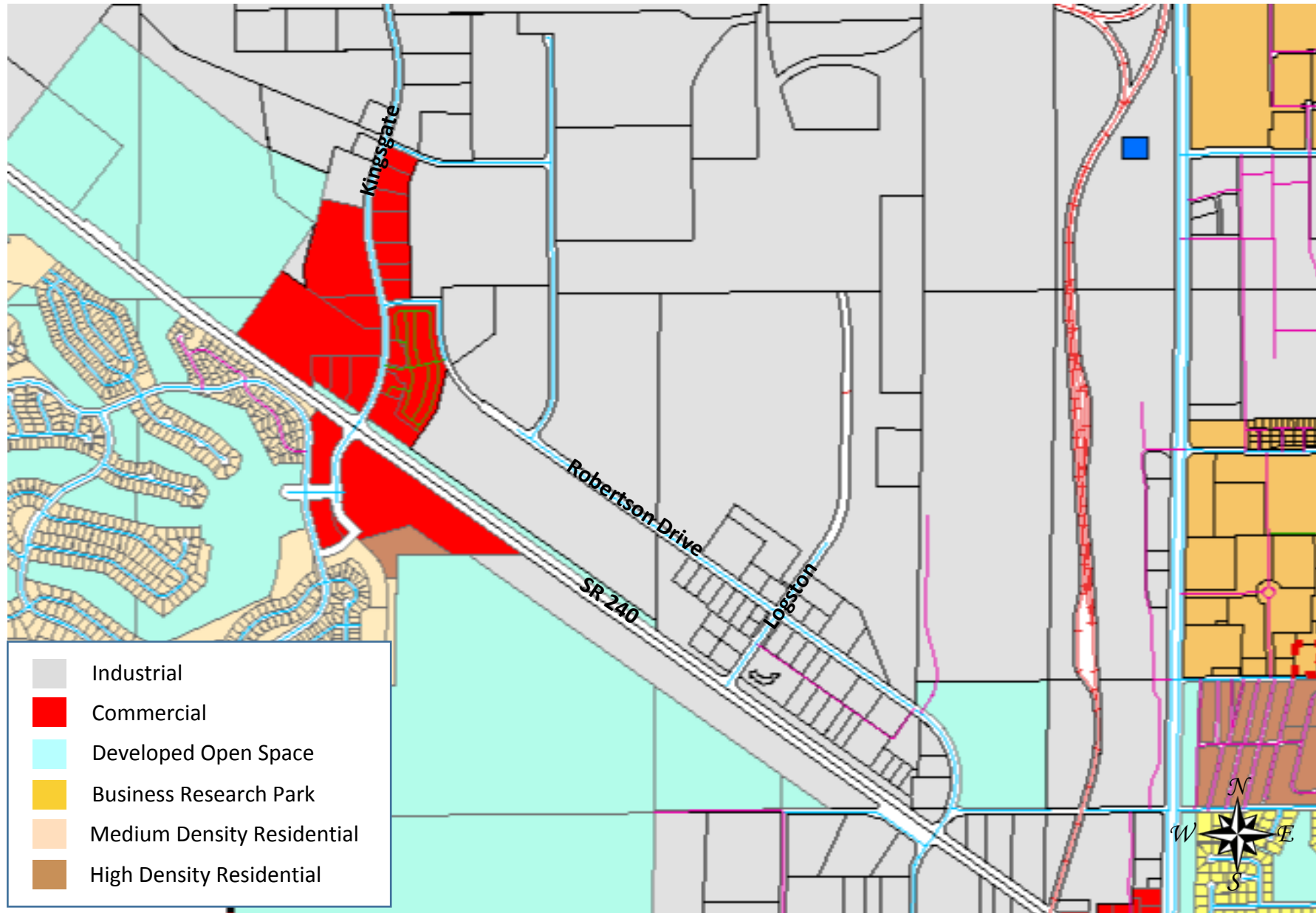
Land Use	I-M	C-3
Animal Shelter	S ⁴	S
Automatic Teller Machines		P
Commercial Kennel		P
Contractors' Offices and Shops	P	P
Funeral Establishments		P
General Service Businesses	P	P
Health/Fitness Facility	P	P
Health/Fitness Center	P	P
Health Spa		P
Laundry/Dry Cleaning, Commercial	P	P
Laundry, Dry Cleaning, Neighborhood		P
Laundry/Dry Cleaning, Retail	P	P
Laundry, Self Service		P
Mini-Warehouse	P ⁵	P
Mailing Service	P	P
Personal Loan Business	P	P
Personal Services Businesses	P	P
Photo Processing, Copying and Printing Services	P	P
Telemarketing Services	P	P
Video Rental Store		P
Food Service		
Cafeterias	A	A
Delicatessen	A	P
Drinking Establishments	P	P
Micro Brewery		P
Portable Food Vendors		P

Land Use	I-M	C-3
Restaurants/Sit Down	P	P
Restaurants/Drive-Through	P ⁶	P
Restaurants/Lounge	P	P
Restaurants/Take Out	P	P
Restaurants with Entertainment/Dancing Facilities	P	P
Wineries	P	
Wineries – Tasting Room		P
Industrial/Manufacturing Uses		
Airport, Industrial	P	
Excavating, Processing, Removal of Topsoil, Sand, Gravel, Rock or Similar Natural Deposits	S ⁷	
Laundry and Cleaning Plants	P	P
General Manufacturing Uses	P	
Light Manufacturing Uses	P	P
Research, Development and Testing Facilities	P	
Warehousing, Storage and Distribution	P	P
Wholesale Facilities and Operations	P	P
Wineries – Production		P
Office Uses		
Financial Institutions	P	P
Medical, Dental and Other Clinics	P	P
Newspaper Offices and Printing Works		P
Office – Consulting Services	P	P
Office – Corporate	P	P
Office – General	P	P
Office – Research and Development	P	P
Radio and Television Studios		P

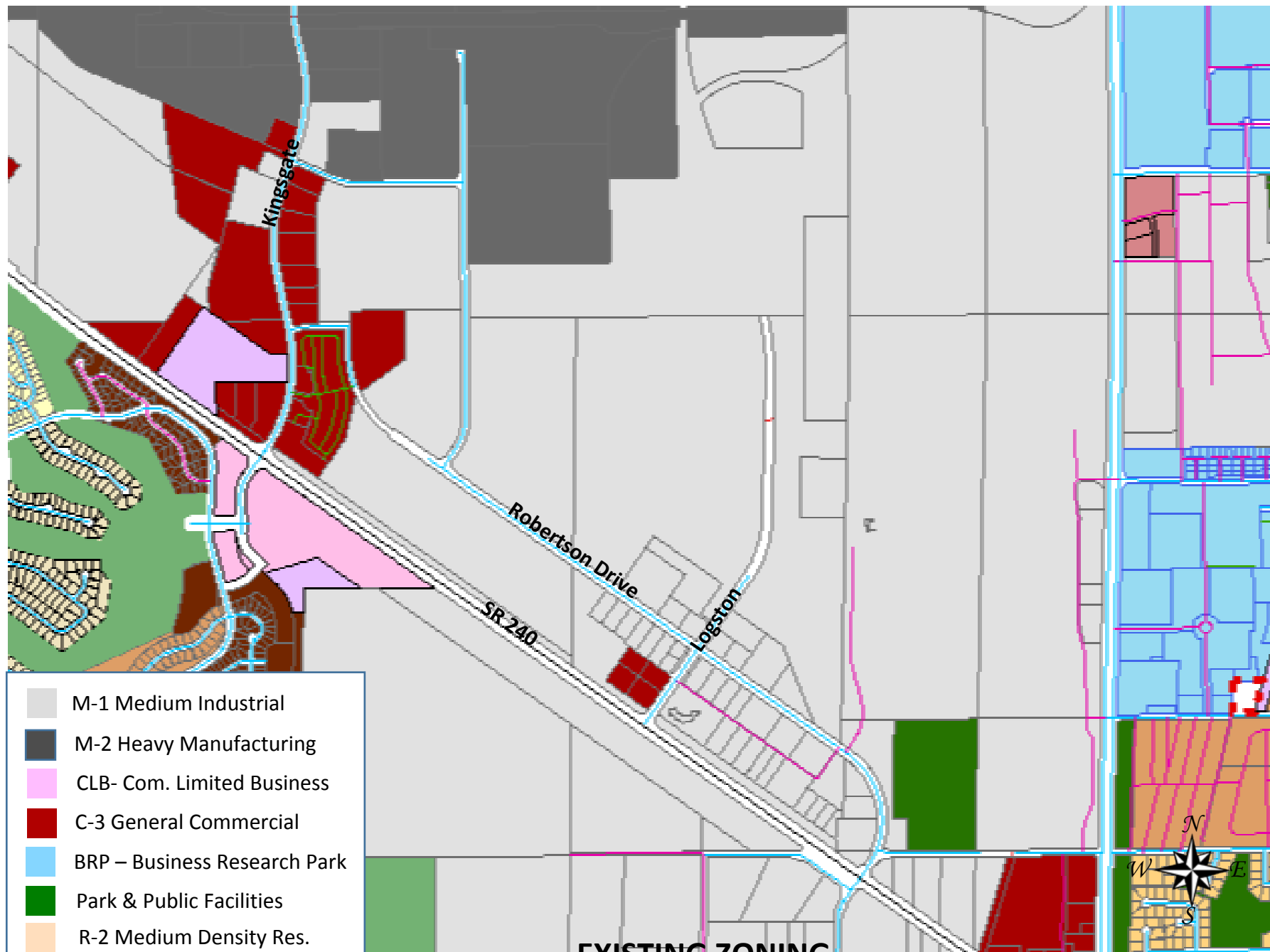
Land Use	I-M	C-3
Schools, Commercial		P
Schools, Trade		P
Travel Agencies		P
Public/Quasi-Public Uses		
Churches		P
Clubs or Fraternal Societies		P
General Park Operations and Maintenance Activities	P	P
Passive Open Space Use	P	P
Power Transmission and Irrigation Wasteway Easements and Utility Uses	P ⁸	P
Public Agency Buildings	P ⁸	P
Public Agency Facilities	P ⁸	P
Public Parks	P	P
Schools		P
Schools, Alternative		P
Special Events Including Concerts, Tournaments and Competitions, Fairs, Festivals and Similar Public Gatherings	P	P
Trail Head Facilities	P	P
Trails for Equestrian, Pedestrian, or Nonmotorized Vehicle Use	P	P
Recreational Uses		
Art Galleries		P
Arcades		P
Cinema, Indoor		P
Cinema, Drive-In		P
Commercial Recreation, Indoor		P
Commercial Recreation, Outdoor	S ⁹	
House Banked Card Rooms		P

Land Use	I-M	C-3
Recreational Vehicle Campgrounds		S
Recreational Vehicle Parks		S
Stable, Public		P
Theater		P
Residential Uses		
Accessory Dwelling Unit	A	
Bed and Breakfast		P
Day Care Center	S ¹⁰	
Dwelling Units for a Resident Watchman or Custodian	A	A
Hotels or Motels		P
Temporary Residence	P ¹¹	P
Retail Uses		
Adult Use Establishments	P ¹²	
Airport, Commercial	P	
Apparel and Accessory Stores		P
Auto Parts Supply Store		P
Books, Stationery and Art Supply Stores		P
Building, Hardware, Garden Supply Stores		P
Department Store		P
Drug Store/Pharmacy		P
Electronic Equipment Stores		P
Food Stores		P
Florist		P
Furniture, Home Furnishings and Appliance Stores		P
Landscaping Material Sales		P
Nursery, Plant		P

Land Use	I-M	C-3
Office Supply Store		P
Outdoor Sales		P
Parking Lot or Structure	P	P
Pawn Shop		P
Pet Shop and Pet Supply Stores		P
Retail Hay, Grain and Feed Stores		P
Secondhand Store		P
Specialty Retail Stores		P
Miscellaneous Uses		
Bus Station	P	P
Bus Terminal	P	P
Bus Transfer Station	P	P
Cemetery		P
Community Festivals and Street Fairs	P	P
Convention Center		P
Farming of Land	P	
Micro- and Macro-Antennas	P	P
Monopole	P ¹³	P
On-Site Hazardous Waste Treatment and Storage	P	A
Outdoor Storage	P ¹⁴	P
Storage in an Enclosed Building	P	A



COMPREHENSIVE LAND USE PLAN





PLANNING COMMISSION AGENDA ITEM COVERSHEET

Meeting Date: 07/26/2017

Agenda Category: Agenda Items:

Prepared By: Rick Simon, Development Services Manager

Subject:

Information regarding Critical Areas Ordinance Update

Request:

Key 5 - Natural Resources Management

Recommended Motion:

None

Summary:

The attached memo and draft Critical Areas Ordinance includes the latest revisions proposed by the Kennewick Irrigation District. The memo outlines the specific changes and the rationale for them.

The intention is for the draft ordinance to be presented to the Commission at the regular meeting on the 26th for a final recommendation. If Commission members have questions or comments, please forward to staff and we will endeavor to provide responses for the meeting on the 26th.

Attachments:

1. Memo - Critical Areas Ordinance Revisions
2. Public Comments

MEMORANDUM

Community and Development Department
Planning & Development Services Division

TO: PLANNING COMMISSION

FROM: RICK SIMON, DEVELOPMENT SERVICES MANAGER

DATE: JULY 12, 2017

RE: CRITICAL AREA ORDINANCE UPDATE

As has been discussed at previous workshop sessions, the City and the Kennewick Irrigation District legal representatives have been engaged in conversation concerning the City's Critical Areas Ordinance. The KID has proposed the following minor changes to the draft, which are supported by staff. As I will not be in attendance at the workshop, I wanted to provide an explanation of the proposed amendments and the rationale for supporting them. Commissioners will have the opportunity to consider these changes and will be asked to recommend adoption of the draft Critical Areas Ordinance (CAO) at the regular meeting scheduled for July 26th. Any questions regarding these changes can be directed to my email and I will endeavor to provide a response to the Commission prior to or at the regular meeting on the 26th.

The current draft ordinance, inclusive of the changes proposed by the KID is attached.

Amendment to definition of critical wildlife habitat and secondary habitat:

Proposed Change: The definition of critical wildlife habitat is found at the bottom of page 6 of the attached draft. A sentence was added to the definition of critical habitat as follows:

"Critical habitat" or "critical wildlife habitat" 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.

The same sentence was added to the definition of secondary habitat as well. (Refer to page 13 of the attached draft.)

Rationale for Change: State Law (RCW 36.70A.030(5)) provides a definition of fish and wildlife conservation areas. This definition was amended by the state legislature in 2012 and reads as follows:

"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.”

The proposed change would simply recognize the change made to state law and include the exemption provided therein.

Impact of Proposed Change: Wildlife habitats found in Richland are typically associated with a river, a wetland area or along the Amon Basin. Wildlife corridors along the rivers would still be protected through both the critical areas regulations and the shoreline regulations. Wildlife habitat associated with wetland areas would not be impacted by this proposed code amendment either as both wildlife habitat and wetland regulations would continue to apply to those areas. Those portions of the Amon Basin that are strictly made up of artificial features would be exempted from CAO regulations. This would include the east fork of the Amon Basin. When the Clearwater Creek project was approved, the City required a study of this area to be conducted. It was the determination of the consultant preparing the study that the east fork was not a critical area. Public agencies reviewing this study did not object to this characterization of the east fork. The proposed code change would formally exempt the east fork from CAO regulations. The City would continue to apply the CAO regulations to the west fork of the basin because it has both a natural component and not just an artificial one. Wetland related protections would continue to apply to this area as well. Irrigation canals, like the South Badger Lateral Canal operated by the KID would clearly be exempted from CAO regulation, but the City has never attempted to apply CAO regulations to the canal in the past. The net impact of adding this exemption language would be to formalize the way the CAO regulations have been administered by the City in the past. The change is necessary to ensure that our local code remains consistent with state law.

Deletion of priority habitat definition

Proposed Change: The term “priority habitat” would be deleted from the definition section of the CAO. (Refer to page 10 of the attached draft.)

Rationale for Change: As staff reviewed the critical habitat definition changes as outlined above, we also reviewed priority habitat and found that it is only referenced in one location of the code, in Section 22.10.115(C) on page 22. In that reference, the code language refers to the Washington State Department of Fish and Wildlife definition of priority habitat. A separate definition of the term is therefore unnecessary in the CAO and should be deleted to avoid any potential conflicts between the two definitions if Fish and Wildlife amends its definition in the future.

Impact of Proposed Change: None.

Addition of stormwater definition

Proposed Change: The term “stormwater” is not defined in the CAO, although it is used in the text of the ordinance. The proposed definition is found on page 13 of the attached draft and reads as follows:

“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow and does not include irrigation surface runoff or drainage.

Rationale for change: This is the same definition of stormwater used in Title 16 of RMC, except that it specifically exempts irrigation water from the definition of stormwater. There are three references to stormwater made in the text of the CAO, including a standard that identifies that stormwater discharged into a wetland is a regulated activity (see RMC 22.10.070(H) on page 15 of the attached draft); standards for the retrofitting of stormwater detention and treatment for existing roads (see RMC 22.10.115(D) on page 23 of the attached draft); and a restriction on allowing stormwater to drain into a wetland (see RMC 22.10.125 on page 26). In all three of these cases, it is advantageous for the CAO regulations to specifically exempt irrigation overflow from stormwater standards, both for the continued operation of the KID irrigation system and to avoid any future debate regarding whether irrigation overflow should be treated before it placed back into the Amon Basin.

Impact of proposed change: The code amendment would not result in any change to how the City administers the CAO regulation. This code amendment would simply recognize the present KID practice of irrigation overflow water being dumped into the Amon Basin in a manner consistent with the original design of the KID system.

Addition of an exemption for operation of irrigation system

Proposed Change: A new exemption is proposed to be added to Section 22.10.360(I) (see page 51 of the attached draft) to read as follows:

- I. The operation, maintenance, or construction of canals, waterways, 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.*

Rationale for change: The proposed code language would provide for the continued operation of the KID system through the Amon Basin. Existing code language provides for the continued operation of existing buildings, streets, and utilities to be exempt from CAO requirements. The proposed language would specifically cover the operation of existing irrigation systems, treating them in the same manner.

Impact of proposed change: The draft code language would not result in any changes to the current operation of the KID system or in how the City administers its CAO regulations but provides a formal exemption for the continued operation of the existing irrigation system.

Public comments

Only one public comment has been received in recent weeks. An email from Patrick Paulsen is attached. His comment called for a balancing of code language in defining exemptions for wetlands and critical areas. Specifically, Mr. Paulsen indicated that the wetland exemptions not only include the specific language contained in the state law but also some guidance from regulatory agencies. The current definition of wetland (see “wetland” definition beginning at the bottom of page 13 on the attached draft) does reference the federal wetland delineation manual.

I recently attended a planning commission workshop. The topic of the new critical areas ordinance was discussed, in particular a request from the Kennewick Irrigation District (KID) to include specific language from the State's GMA statutes regarding the definitions of wetlands and wildlife habitat.

I don't have either the current draft language or KID's requested language in front of me, so my comments won't be specific. However, from the discussion my understanding is that KID's proposal is to include language from the state regulations in the City's critical area ordinance, and I'm assuming that the language they'd like included is similar to this section from RCW 36.70A.035

"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 created to mitigate conversion of wetlands."

I do not believe this type of language should be included without additionally including guidance regarding the interpretation of this language from regulatory agencies. For example, guidance from the State Department of Ecology

(<https://fortress.wa.gov/ecy/publications/documents/1006015.pdf>) clarifies that:

1. The definition also distinguishes between "natural" and "artificial" wetlands. The definition requires that if an irrigation induced wetland is to be considered artificial, and thus not subject to state regulation as a wetland, it must meet both of the following characteristics:
 1. It was intentionally created; and
 2. It is in a formerly non-wetland (upland) site.

(So if an existing wetland is used as an irrigation return, it is still a wetland)

In addition, Ecology clarifies that:

The term "intentionally created," and the examples given in the definition, require that the artificial wetland not be the result of an accident or an unexpected by-product of some other intentional act. Therefore, artificial wetlands are found where someone intentionally creates a water feature such as a ditch, pond, or canal. The only situation where an artificial wetland results from an unintentional action is when construction of a road (after July 1, 1990) inadvertently creates a new wetland.

In short, I believe it would be difficult to give a balanced definition of what qualifies as a critical area if specific language in state law is directly quoted and thereby given undue emphasis. My preference would be to use more general language such as “as defined in state law and as currently interpreted by regulatory agencies” with sufficient citations to allow access to the relevant material.

Thank you for your consideration

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